

I COULD NOT SAVE BAPU

By

DR. JAGDISHCHANDRA JAIN,

M.A., PH D.

*(An important witness in the Mahatma
Gandhi Murder Trial)*

Publishers :

JAGRAN SAHITYA MANDIR, KAMACHA,
BANARES

Rs. 3

Published by
Ramayan Rai,
Jagran Sahitya Mandir
Kamacha, Banares

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Printed by
E K Raja
at the Mission Press,
Allahabad

To

those who are fighting against exploitation,

the root cause of communalism

so that in future

there may be no assassination

such as that of

Mahatma Gandhi

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Bapu ko na Bacha saka

Sampradayavad

P R E F A C E

My connection with the Gandhi Murder Case and the evidence I gave before the Special Court at Delhi brought me many memorable experiences. I was unable to put all I wanted before the Court. There I had to answer only what I was asked. There was no time or opportunity to explain things. When I returned from Delhi, after giving my evidence, several friends and my students urged me to put my experiences down in book form. I had no other means of self-expression and so I readily agreed to their proposal.

I am fully aware that truth is often bitter, and it may be fraught with grave consequences to the teller. But I am urged by a deep sense of truth and justice, and I feel that I must place my experiences before my countrymen so that they may see and judge everything for themselves, and think out how to solve the numerous problems with which our country is so vitally concerned today.

After going through these pages the readers can imagine the difficulties a common man has to encounter in doing his duty as a citizen of "Free India". I am confident that my countrymen will appreciate this humble effort.

In the end, I must thank my daughter Chakresh for helping me in preparing this work.

I must also express my gratitude to Shri Baijnath Singh 'Vinod', the editor of Janwani, Banares, who introduced me to Shri Ramayan Rai and Shri Satish Kumar Srivastava, the proprietors of Jagaran Sahitya Mandir, Banares. I really appreciate the courage of the proprietors who undertook the publication of this book when many other publishers refused to print it.

28, Shwaji Park,
Bombay 28 }

JAGDISHCHANDRA JAIN

AN APOLOGY

The present book is the English edition of Dr Jain's well-known pen-work. After the publication of the Hindi Edition and Mr. Banerjee, Counsel for accused Madanlal's submission to the East Punjab High Court as to why contempt of Court proceedings should not be taken against Dr Jain for having written the book in Hindi the demand for the book in English from non-Hindi speaking provinces and foreign countries arose

It was our utmost effort to present the English book to our readers at the earliest opportunity but owing to many difficulties we could not be ready with the book within the intended time We regret this inability very much

We have striven our best to make the book appear in as beautiful a form as possible It has been our endeavour to see that no printing mistakes occur, still if any printing lapses persist we solicit the apology of our readers.

JAGRAN SAHITYA MANDIR,

Kamacha, Banares.

RAMAYAN RAI

General Manager

Publication Department

CONTENTS

	PAGES
30th January, 1948	1
Madanlal	5
Struggle	18
Threatened with arrest ..	24
Interview with Pandit Nehru ..	39
Trial opens at Delhi	51
In the Red Fort	61
The evidence of Mr. Morarji Desai	78
The Statements of the Accused ..	85
Arguments of Chief Prosecution Counsel	90
Arguments of Defence Counsels ..	116
Judgment in the Red-Fort Trial ..	140
The Judgment in Appeal ..	214
Conclusion	236

JANUARY 30, 1948

January 30, Friday evening, I was on my way home from a call in the town. Groups of people everywhere with awed faces, talking in whispers. Many hurrying along as if clearing away silently from an unknown danger. As I gained my house, a little girl said to me, "Gandhiji 's dead." I looked at her and said incredulously, "What are you talking? Are you crazy?" But the little girl repeated, "No, no, everybody is talking about it."

Soon another child came up with the same story. An indescribable feeling crept over me as I connected what these children said with the awed groups and hurrying people I had seen on the streets. Could it be true? I tried to verify. A neighbour confirmed the terrible news, "Gandhiji has been shot dead. This was heard over the radio . . ."

Gandhiji has been shot dead! Could I believe my ears?

I felt my head reel, and it must have been many minutes before I resumed control of my mind. In a flash I saw the whole thing at first as a number of pictures focussed on the same screen in a

bewildering confusion. My mind was befogged. Then slowly, as logical thought became possible, the confusion cleared and the stern reality began to unfold itself, terrible, unbelievable almost. May be the associates of Madanlal had done the foul deed. Had the conspiracy succeeded?

But I had informed the Bombay Government. I had given them a warning and entreated them to take all precautions. I had already told the whole plan of the conspiracy to the Premier and the Home Minister of Bombay. And had I not offered my services to unearth the whole satanic plot? Had I not offered to go to Delhi, if need be, to help discover the conspirators? Had I not told them about Madanlal and all that he had told me? Had I not warned them that there was a plot afoot to kill Gandhiji?

I recalled to mind the evening of January 21, when full of confidence in the efficiency of the Bombay Government, I had waited on the ministers. I lived again through those wearisome minutes of waiting at the Secretariat before I was received by the Hon'ble Premier.

The 1942 National Movement had been crushed by the Bombay Police within ten days. But the same Police, which prides itself as the best in the East, could do nothing to protect Gandhiji! All my efforts gone waste! All my endeavours proved fruitless! All my hopes dashed to the

ground! The conspirators had had their way!
The Father of the Nation had fallen!

I could hardly think further. My heart was crushed under an avalanche of feelings. A mountain of grief weighed my head down. Sorrow, disappointment, vexation swayed me by turns. A feeling of utter helplessness possessed me. For a moment a somnolence that was more mental than physical overpowered and I lay in a stupor. Then suddenly I awoke with a start to resume my thoughts.

Gandhiji had been shot dead! Such a big Government, such an efficient police, such a mighty army could do nothing!

Over the air came the voices of Pandit Nehru and Sardar Patel. But what they offered was cold comfort measured beside the magnitude of the disaster that had befallen the nation. The same thought occurred in my mind with painful insistence. Why need this have been? Could it not have been prevented?

The most fateful day in India's history was followed by the most bleak day. It looked as if a blight had fallen over the country. A still solemnity hung in the air and even this populous city of Bombay, ever seething with the turmoil and the fever of life, seemed to have stopped dead to stare into vacancy, benumbed with an aching sense of the irreparable disaster. Never before was such a

complete *hartal* observed in this city. Every man, woman and even child was oppressed with grief. Did I say "Every?" No, here and there, as it became known later, sweets were distributed to celebrate the event!

MADANLAL

Madanlal, one of the associates of the conspirators, was introduced to me in October 1947, when he approached me for a job

Madanlal was a refugee from the Punjab. He was about twenty-two years old, fair-complexioned, well-built, tall, and long-faced. Having no work to do, he was tired of staying idle in the refugee camp at Chembur.

On the evening of October 26, when he came to see me, I was talking to some friends. Introducing him to them, I said, "Here is a refugee from the Punjab. He has saved the lives of many people there and as a result he has cut one of his fingers. He wants a job."

Madanlal said that practically everyday he paid a visit to the Employment Exchange of the city, but he was told that there was no vacancy. Now he has decided to work as a peon in some office. On this occasion, my friend Mr. Angad Singh (prosecution witness) was also present. He suggested that instead of serving as a peon, it would be better if he could sell vegetables, which were very cheap at Bassein and he could sell them at Bombay. I approved of Mr. Angad Singh's suggestion. I told Madanlal that as he was an educated person, he should not take up

the job of a peon. If he liked to prosecute his studies further, I could try to get him admitted in my college. Madanlal said that he had no money to do business. I enquired whether he was interested in selling books, which would not require any money. Madanlal replied that he would take up that work most willingly. I told him that I could get books for him from Publishers on a discount of 25%. Madanlal enquired if I could let him have some books at once, as he would start the work from that very day. Then he asked me to write his name and address—Madanlal, 162, Chembur Camp.

Next morning, when I returned from my daily walk, I found Madanlal seated at my house. I asked him what made him come so early. He replied that he had sold the books which I had given him the previous day to a second class passenger of a local train. Seeing that he was a refugee, the passenger had handed over a 10 rupee note to him. Out of that amount he paid me for my books.

This was my first impression of Madanlal. For about ten days, Madanlal did good business and he must have sold books worth about Rs 200. During these days he used to visit me almost every night and cleared my accounts.

Sometimes while I was having my supper, I would ask him to join me. He would narrate

to me his daily experiences, such as the number of books he had sold, the places he had visited, the presents he had received from the public, and so on.

During these visits, I could make a close study of Madanlal. He was a simple, intelligent and hard-working boy of an impulsive temperament, ready for any kind of adventure. Although he was a refugee, his mind was free from communal bias. Gradually, he told me everything about himself like a child, as that he had bought a pair of trousers, that some Punjabi gentleman had promised to get him a job, that he had had a quarrel with some one, that in the Chembur Camp he was regarded as the leader of refugees, that he had distributed blankets etc., amongst them. I had not much time, yet I used to listen to him and when necessary, I would offer him advice.

He narrated to me his experiences at Lahore, how on a motor-cycle he had saved many college girls from the clutches of hooligans, how he himself had once fallen into their trap, and how under the military escort he had ultimately succeeded in reaching Delhi. He said that in Lahore Hindu women were being molested and that the same thing was happening to Muslim women in Ferozepur. He narrated the heart-rending story of Ferozepur, which is so fresh in my memory that even now it makes me shudder.

One day, I told him that, whatever money he had earned by selling books, a part of it he could deposit somewhere, so that it might be useful to him in future. Thereupon he deposited nearly Rs. 60 with me.

The Divali festival was approaching. He asked me if I would advise him to do business in crackers. I replied that, if it was profitable, he could do it. He bought some crackers etc., and sold them from house to house.

After sometime, Madanlal began selling stationery, even then he used to visit me sometimes.

One day, he told me that he wanted to go to Ahmednagar, as he could purchase some sweet-limes there and sell them in Bombay. I told him that he may decide for himself lest he should incur any loss. He went to Ahmednagar and he also took some of my books for sale.

When he returned from Ahmednagar, he told me that he had suffered a loss.

He visited me again after some days, and wished to go to Ahmednagar once more. I asked what was the use of going again since the last time he had made no profit. He replied that this time he was sure to earn some money.

From Ahmednagar, Madanlal wrote to me one or two letters saying that on account of some work, he had been detained there and as soon as

he returned to Bombay, he would see me and also clear my account

Next time Madanlal came to see me in January, 1948. One morning, when Madanlal visited me, I found that a change had come over him. He had a muffler thrown round his neck and had a cane in his hand, which he swished as he talked to me. There were signs of carelessness on his face and of arrogance in his eyes. I had never seen him in this state before. I enquired why he had come after so long a time and how he was getting on. He replied that he was getting along well and that his business in Ahmednagar was flourishing.

Along with Madanlal there was another middle-aged man, well-built, sallow-complexioned, having small, peculiar eyes, which did not create a good impression on me. Madanlal said that he was a 'Seth' from Ahmednagar who had helped him. Then Madanlal told me that he owned two fruit shops at Ahmednagar and that this business was quite profitable.

After about five minutes, Madanlal left. But leaving his 'Seth' on the road, he returned and told me that the fruit shops did not belong to him but to the 'Seth'. He only looked after them. To satisfy his needs he could take any amount of money from the shops. Madanlal further added that they had turned out all the Muslim fruit sellers.

from Ahmednagar and so they had the monopoly of the fruit business now.

I observed that Madanlal wanted to talk more, but, as his 'Seth' was waiting on the road, he wished me good-night saying that he would come some other time.

After two or three days, Madanlal again came to my house. It was after-noon and I was not at home. My wife enquired whether he had got any job. Madanlal replied, "Yes, I have got a nice job. I get sufficient money, and I am respected by the people. Thousands of volunteers are working under me and the police are under my influence. But I have no peace of mind, and sometimes I feel restless. I feel as if I have been deprived of my freedom. People talk to me in different ways and praise me. Many a time, I feel that I should leave Ahmednagar and come back to Bombay, but here there is no work to do". My wife said to him, "Why do you mix with such people, you should mind your own business. Why don't you come back to Bombay? You will be able to get some work here". Then Madanlal said, "You must have seen my name in the papers. In a meeting at Ahmednagar, when Rao Saheb Patwardhan began delivering his speech about Hindu-Muslim unity, I got up and abusing him held him by his neck. I will show you the papers in which this news has appeared". My wife

said, "Why do you do such things? Why do you waste your energy like this?"

I was returning from my college when Madanlal met me on the road. He said that he had been to my house and that he wanted to talk to me.

After reaching home, Madanlal talked to me on general topics. I was feeling tired, and so I asked him to come some other time.

It was about 8 p.m. I was talking to Mr. Angad Singh when I saw Madanlal coming with some newspapers in his hand. He said that his name had appeared in those papers, and that in a meeting of refugees at Ahmednagar, he had prevented Rao Sahab Patwardhan from speaking, who had been talking of Hindu-Muslim unity. Madanlal had held him by his neck and whipped out a knife to stab him. After this, the police had appeared on the scene and thrown away the knife from his hand. Praising his deeds, he added that the police were on his side. I chided him for such activities and said that these newspapers must be reaching the Government of Bombay and they could put him under arrest.

Hearing the talks of Madanlal, Mr. Angad Singh asked him if he was put up by anyone to do such awful things. He advised him to stop such activities and carry on with the business of books. Then Mr. Angad Singh left my house.

Now, Madanlal got an opportunity as if

to pour out his heart. He started by telling me that the 'Seth', who had come with him the other day, was one Karkare. He owned two hotels and some fruit shops at Ahmednagar. "Although, I am serving him, he sees to all my comforts. We have formed a party at Ahmednagar. We have collected a lot of arms and ammunitions which we have dumped in jungles. Karkare is financing the party. There is a warrant of arrest against him, but the police are with us and do nothing in the matter."

Madanlal went on, "Recently I tried to dynamite the house of a rich Muslim, but some police-men happened to come in time and before the fuse could catch fire, it was removed. After hearing of these exploits of mine, Barrister Savarkar was much impressed by my deeds. He sent for me and had a talk with me for about two hours. Savarkar patted me on the back and asked me to carry on."

Madanlal went on talking. He told me that there was another big dump of arms in Bombay, which was guarded by a Maharashtrian, disguised as a Sikh. He had been led to that place blindfolded.

Then he revealed that there was a plot to kill some big leader. On being asked about the name of the leader, Madanlal replied that he had not been told the name as yet. I pressed him saying

that he must be knowing the name Madanlal repeated that the name had not been disclosed to him, and that within a couple of days he had to give his final decision about joining the conspiracy. At first, he refused to give out the name but after great persuasion and in low voice he uttered the name of Gandhiji.

I was horrified. I could hardly believe that anybody could think of killing Mahatma Gandhi. Concealing my feelings, I enquired the names of the other members of his party. He replied that there were other young men with him, and that he had been entrusted with the work of throwing a bomb at the prayer-meeting of Mahatma Gandhi. As a result of this, a confusion would be created at the meeting, and at this time his associates would attack Gandhiji. He also disclosed that the activities of Mahatma Gandhi were reported to them by a Maharashtrian lady, who was a member of his entourage.

I now saw before me a young man, who was misguided and fooled. Possibly because he was a poor refugee, some one had enticed him with money. May be, somebody had given him false hopes and promises. But today he was revealing his heart frankly to a person whom he considered his well-wisher, in whom he had faith and whom he looked upon as his father.

With great restraint I questioned him as to why

he wanted to kill Gandhiji and commit such a heinous crime, specially when he was observing a fast? Gandhiji had always fought for the freedom of the country and achieved independence. He was preaching Hindu-Muslim unity so that both the communities could live in peace. I told Madanlal, "You have been telling me yourself about the sad plight of women in Lahore and Ferozepur. Gandhiji says that people should not fight among themselves, otherwise we shall lose the freedom that has been achieved after hard struggle." I went on to say that Mahatmaji was an international figure, and it was mostly due to him that India had acquired an international status. It was beyond comprehension that anybody should think of taking away the life of Gandhiji.

Madanlal was listening to me very attentively.

I took him to the sea-shore for a walk with the idea of finding out the details of the conspiracy and dissuading him from such criminal and anti-national act. I thought that perhaps by winning his confidence, I might be able to direct him along the right path.

At first, I had a general talk with him. Then I asked him to come back to Bombay where he might get some job. I continued, "If you mix with such corrupt, anti-national people, you will repent afterwards, because they will lead you astray. If whatever you had told me, it is true, remember that

you will have to undergo untold sufferings all your life. This 'Seth' will get you involved in some conspiracy." I reasoned that the 'Seth' had not turned out the Muslim traders from Ahmednagar simply because he had any love for the Hindus. In that case he should have given those shops to some poor people. But he himself was making money out of them, and a very small amount was spent on him (Madanlal). Perhaps he did not realise that the 'Seth' was taking advantage of his weakness. Now if he sought my advice, he must give up the company of his associates. At least, he could postpone his decision of joining them in the conspiracy. He must realise that I was giving him this advice for his own benefit, and if he did not follow what I said, his life would be ruined.

It was late at night, Madanlal said that, as Karkare had an eye on him, he must hurry home.

I was rather disturbed in mind. This young boy, goaded by others, might commit some act of violence. Moreover, he had seen Savarkar and had obtained his blessings !

After returning home, I talked to my wife. She also was of the opinion that, as he was a poor refugee, somebody must have enticed him, otherwise who could dare to kill Gandhiji ?

When I met Mr Angad Singh, I told him that,

“Where to?”

“Delhi”

“For what?”

“I have got some work”

I asked him to sit down. But he replied that he was in a hurry, he had to rush to the station to catch his train. I told him that he should bear in mind what I had told him. Madanlal replied, “All right, I will see you again after my return from Delhi”

I was worried. He tells me that he is going to Delhi. Why is he going there? Might he not do some mischief? But at the same time did he not say ‘I regard you as my father? If I do not obey you, I will be doomed?’

STRUGGLE

On January 13 I was invited to the annual function of the Hindi Association of the Podar Commerce College which was being held at the St Xavier's College Hall in Bombay. Babu Jayaprakash Narayan was the guest of honour and he delivered the main speech. He said, "Delhi is in a turmoil today. Even Maulana Abul Kalam Azad is not free to move about there. In order to annihilate communalism, Mahatma Gandhi is risking his life (Mahatma Gandhi was fasting at this time). It is our foremost duty to eradicate the virus of communalism...."

When Syt Jayaprakash Narayan had finished his speech and he was about to leave the Hall, I was reminded of Madanlal and the talks he had had with me. I thought that since Jayaprakashji was leaving for Delhi, I might tell him about Madanlal and all that he had said to me. I vaguely thought that Madanlal might do some mischief at Delhi and Babu Jayaprakash Narayan would be able to inform the authorities there.

I followed Syt Jayaprakash Narayan when he came out of the Hall, and enquired if he could spare some time. He replied that he was very busy. I told him that there was some important work

and I would not delay him for long. He wanted to know the reason of my meeting him. I hesitated to speak in the presence of a crowd. I thought I would give him just an inkling of what I had to say so that it might at least arouse his curiosity. I said, "Probably a conspiracy has been formed in Delhi." He enquired excitedly, "What conspiracy? Which conspiracy?" I said that it could not be told publicly. Then he asked me to see him the next morning at his residence. But I was very busy the next day as I had to take my child to the Hospital, and so I was unable to contact him. Later, I learnt that he had already left for Delhi.

It was January 21. When I took up the morning newspaper, my eyes suddenly fell on a news on the first page. 'One Madanlal, a refugee from Bombay, had thrown a bomb at the prayer-meeting of Mahatma Gandhi. After the explosion, people ran helter skelter, but Gandhiji asked them to sit quietly as he continued his speech. Madanlal had been arrested, but his associates had escaped in a car.'

When I read this news, I was stunned. Madanlal had therefore, told me the truth! I must act quickly to prevent further mischief.

I was still sitting with the newspaper in my hand, when I saw Mr. Angad Singh coming to

me in haste "You were right", he said. "Now there is no time to waste. We must contact the authorities".

By chance, at that time Sardar Vallabhbhai Patel, the Home Minister of the Government of India, happened to be in Bombay. We tried to contact him at the residence of his son, Mr. Dabhyabhai Patel. But we were told that he had just left for the aerodrome at Santa Cruz. There were only fifteen minutes left for the plane to start, and so it was not possible to reach the aerodrome.

We decided to contact Mr. S. K. Patil, the President of the Bombay Provincial Congress Committee. But we learnt that he had accompanied Sardar Patel.

Then we decided to inform Mr. B. G. Kher, the Premier of the Government of Bombay. I contacted him on the phone stating that I would like to give some important information regarding the bomb explosion reported in the papers. Mr. Kher asked me to see him at 4 p.m. at the Secretariat.

Mr. Angad Singh had some work in the court and so I had to go alone to see Mr. Kher. I reached the Secretariat at the appointed time. The office peon told me that *Sabeb* was very busy and there was no chance of meeting him. Then I had to see the private secretary to the

Premier, and at last at 5 p m. I was called in by Mr Kher

I narrated everything to the Premier, whatever I knew about Madanlal, whatever relations he had had with me, and whatever he had told me. Just then Mr Morarji Desai, the Home Minister of the Government of Bombay, came in from the adjacent room. I told the ministers that people were under the impression that the explosion was the work of some mad refugee. But this was absolutely false. There appeared to be a big conspiracy behind this bomb explosion. Therefore, all necessary precautions should be immediately taken to safeguard the life of Gandhiji. Madanlal had told me that they had formed a party, which was financed by one Karkare from Ahmednagar. Madanlal had visited me along with him and he (Madanlal) had had a talk for two hours with Savarkar. The latter had praised him for his exploits at Ahmednagar and had encouraged him to carry on his activities. Madanlal had told me that he would throw a bomb at the prayer-meeting of Gandhiji which would create panic. Taking advantage of this, his associates would attack Gandhiji. In spite of the assurances given to me by Madanlal, it seems that they were carrying on with this diabolical conspiracy. So we should congratulate ourselves that Gandhiji has been saved and the culprit has been put under

arrest But it is possible that his associates might come again, therefore, all necessary precautions should be taken If they (the Ministers and the Government) thought that my going to Delhi would be helpful, I told the ministers to send me to Delhi and put me in contact with Madanlal so that I might be able to get some more information from him.

Mr. B. G. Kher had to attend a meeting of refugees, and so he left me alone with the Home Minister. Mr. Morarji Desai told me that there was a warrant of arrest against Karkare I said that Madanlal had told me about it. Mr. Morarji Desai remarked that the ministers had also received various threats. However, as he was leaving for Ahmedabad on a tour that night, he would convey the information I had given to him to Sardar Patel there. He also told me that, if I had given the information a little earlier, he would have got the conspirators arrested before they could reach Delhi I replied that I was very sorry for not coming to him earlier. I had not taken Madanlal seriously, because I had thought that Madanlal was talking in this way as many refugees were doing at the time. Everywhere one could hear the refugees abusing Gandhiji and the Congress openly. Secondly, I had tried to dissuade Madanlal and he had promised to follow my advice. I could not

believe that any man could really make an attempt to kill Gandhiji. But I feel that at least now we should take the warning and leave no loopholes anywhere. Once again I repeated that if he (the Home Minister) thought that some purpose would be served by sending me to Delhi, I was ready to go. Lastly, I gave my address and telephone number to the Home Minister so that he could call me any time he needed my services.

After giving all this information to the Premier and the Home Minister of the Government of Bombay, I was much relieved. I was fully confident that now the Government would throw all its strength for rounding up the conspirators and everything possible would be done to protect and safeguard the life of Mahatmaji.

As days passed, my conviction grew that the Government must have taken all measures for Gandhiji's safety. But nobody knew that the Father of the Nation was to breathe his last soon.

On January 30, Friday evening, the dreaded came to be. The hand of the assassin had got Gandhiji and shot him dead as per their dastardly plan !!

THREATENED WITH ARREST

Next morning, I decided that I must see the Home Minister of Bombay, Mr Morarji Desai. Perhaps he could tell me how it all happened. Possibly inspite of his best efforts, he had not been able to arrest the conspirators. Why? Then, they must still be at large and who knows what they might do next.

I rang up Mr Morarji Desai, but I was told that I could not see him before February 4, 1948. I was greatly disappointed at the delay. Perhaps he was grief-stricken and would like to avoid visitors.

I rang up the Premier, Mr. B. G. Kher. I was told he was leaving for Delhi to join the funeral ceremony of Gandhiji. He asked me to see Mr. Morarji Desai.

A friend of mine, however, fixed up an appointment with Mr. Desai through some influence. When we reached Mr Desai's bungalow, his secretary was enclosing a letter in an envelope addressed to me. I told Mr Morarji Desai that I had rang him up. He replied that he had not recognised my voice on the phone and that he had received a call from Mr. Kher, who had mentioned my name to him.

I replied that it did not matter much, as I had presented myself in person. I said, "It seems that the conspirators have not yet been rounded up and it is very essential to know their whereabouts. They might create further mischief. Under these circumstances, if you think that my going to Delhi would be of any use, I am prepared to leave immediately. It is just possible that with the help of the police the plot might be uncovered." Mr. Morarji replied, "You are right. I shall write a letter to Shankar, secretary of Sardar Patel, and some police officer might be sent along with you."

*

*

At night I received a call from Mr. Desai. When I saw him the next day, he said that he had not been able to speak to me freely on the previous day, as I was accompanied by another person. I replied that I had been obliged to bring him along because it was he who had arranged the interview with you.

The Home Minister said that Mr. Nagarwala, the Deputy Commissioner of Special Branch C.I.D., Bombay, wanted to see me. He gave me a note for Mr. Nagarwala and asked me to see him. After a little while, Mr. Nagarwala came to Mr. Desai's bungalow. He told me that he had learnt in Poona that I knew quite a lot in this matter.

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I felt vexed. How much better would it have been if these guardians of law and order had contacted me earlier ! I had already offered my services to the Government of Bombay to unearth the conspiracy. But, on the other hand, it looked as if Mr Nagarwala was not even now aware of what had transpired between me and the Hon'able Ministers of Bombay.

Mr. Nagarwala said something to the effect that they (the police or was it the Government?) were feeling very much ashamed, that they had not been able to prevent the crime, and that they would do their best at the postmortem investigations, etc.

At this stage I had to struggle hard to keep down my irritation, for I felt more and more convinced that it was through sheer carelessness that things had come to such a pass. '

I simply said, "I am pleased to know that you are earnest about the investigations I promise to help you in all possible ways and I have also talked to your Home Minister about this". Then I narrated to him whatever I had told the Hon'able Ministers on January 21.

Mr Nagarwala then said, "Well, what do you say about our putting you under arrest?" I asked him, "Why do you want to arrest me? I do not exactly understand. Do you want to arrest me

in connection with some crime or to help you in the investigations?" Not replying, directly Mr Nagarwala said, "But we are afraid that if we do so, people might attack and rob your house"

I knew that I was talking to a high police officer, who gazed at me attentively perhaps to read my thoughts Looking straight into his face, I replied, "Why should you worry about that? Was it for this reason that you wanted to see me? Be careful, Mr Nagarwala, you must think twice before you act"

Then, Mr Nagarwala noted down my name and address in his private diary saying that he would see me some other time Then, he stood to attention and giving me a military salute, sent me home in a taxi

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I was much worried The talk of the Deputy Commissioner made me more thoughtful Instead of taking my assistance in tracing the enemies of the nation, he was talking something quite different.

A couple of days passed. On February 4, 1918 I rang up the Premier, Mr B G Kher, and said that I was feeling very depressed and would like to see him His reply was rather cold "What can be done now? We were

not present at Delhi, we had conveyed your message to the authorities in Delhi, what else could we do? If you wish to talk, you can come and see me."

I was thinking on my way—a Premier says that, even though he was informed before hand, he could do nothing

When I arrived, Mr Kher was in his bath. As soon as he came out, he began saying, "It was the will of God. Somebody might come and kill me as well." For sometime he started preaching the philosophy of Gita. He suggested me to read a book on morality written by an English author. I was rather disgusted that we were not talking anything useful. I said very politely, "This is all right, but you should suggest something practical".

Mr Kher replied, "Look, you are a professor in a college. If you prepare a batch of twenty students who are ready to follow the principles of Gandhiji and propogate his ideas, it will be a matter of great satisfaction."

I had no wish to prolong this type of conversation. So, changing the topic, I said, "Your Deputy Commissioner was saying something about arresting me."

He replied, "What can we do in this matter? He will do whatever he thinks proper. After all the police do things in their own way."

I asked, " But what have you to say regarding the information I had given you before hand ? "

He replied, "We do not know much about you Possibly you might have been connected with the conspirators, and when you realised that you could not hold the secret any longer you came and informed us ".

I felt quite indignant, but keeping myself under control, I said quietly, "Then I trusted you in vain ?"

Mr Kher replied, "No, we shall see that you are not harrassed But nothing more can be said, as the police are free to do whatever they like "

I asked, " Well, I would like to know whether you have not been negligent in this matter ? " Mr. Kher replied, "You tell us yourself what we could do Gandhiji did not like that the persons attending his prayer-meeting should be searched Under such circumstances, anybody could attend his prayer-meeting Besides, we were not present at Delhi so that we could make arrangements of police etc It would have been quite different if something had occurred in Bombay We had passed on the information given by you to Sardar Vallabhbhai Patel I had personally talked to Gandhiji about you "

I replied, " It was useless talking to Gandhiji He would have never asked for any protection.

But I think, if you could have sent me to Delhi the day I told you about the conspiracy, and put me in touch with Madanlal, may be, the whole conspiracy would have been revealed, and we would not have had to face this calamity. I had already told you that I was ready to undertake this task. As a matter of fact, I was risking my life by giving you information about the conspiracy. Because I had decided that, if my life was lost, while trying to protect Gandhiji, it would have been a matter of pride ”

The Premier had no reply to this, because from January 21 to the evening of January 30, no one from the police or the Government had come to see me, and probably the ministers whom I had given this information had forgotten all that I had told them. However, Mr Kher said, “Yes, you are right. Perhaps we are guilty and may be Gandhiji could have been saved.”

I had taken enough time of Mr. Kher. As I was just about to leave his bungalow, the Home Minister, Mr. Morarji Desai, walked in. As soon as Mr. Kher saw him, he looked at me and said, “See, here he comes. Whatever you want to know, you can ask him now.” And in the same breath he said to Mr Desai, “This gentleman is charging us with negligence.”

As soon as Mr. Morarji Desai heard this, he lost his temper and in a loud and threatening voice of authority shouted at me, "You are one of the conspirators, I can have you locked up, you have been helping Madanlal"

Hearing the shouting of Mr Desai, the relatives of Mr Kher, his servants, his peon, his chauffeur, gardner, *havaladar* and the others assembled around, while the Home Minister continued shouting at me without a break

For a moment I felt I sould shout back with all the vigour at my command, saying, "It is you who are guilty and not I You should have shown more regard for Gandhiji, whose follower you profess to be" But I do not know why I was silent Where from had I mustered so much patience ?

I was surprised to see that the Premier, who, a little while ago, had owned his mistake, was hectoring me in chorus with Mr Morarji Desai "Now you see", he said, "You should feel sorry for what you said to me just now"

Had I deserved this scolding because I had tried to save the life of the Father of the Nation ? I had approached the ministers to tell them what I knew about the conspiracy and this was the result !

As soon as Mr. Morarji Desai had stopped, I spoke somewhat as follows —

“Do you want to shut my mouth? You want to frighten me with your threats? Do you want to crush the voice of truth? Perhaps you do not know that I have been to jail in the service of my country. I have undergone quite a lot of suffering for the sake of my motherland. Now you are in power, and, if you think this should be the reward for my honesty and truthfulness, you can imprison me. After all Gandhiji dedicated his life for the service of his country men, and, making an attempt to save his life, if I have to suffer threats and humiliations and even jail at your hands I do not mind. You need not even send your police to my house, as I have presented myself before you. You can order your *havaladar*, who is guarding your bungalow, to put me under arrest. But remember that you cannot crush truth. I will make the world know and repeat a thousand times that you are guilty. I have every right to say so, and you cannot seize this right from me. You are the servants of the people, who have placed you in this position. Having confidence in you, I had approached you so that you may save Bapu. It was a great misfortune that you could not save him. But in return, you want to blame me saying that I also

had a hand in the murder Is it proper for a responsible person like you to talk in this manner ?”

If Gandhiji was invisibly present at this interview, he must have wept at the behaviour of those who call themselves his followers.

Mr Morarji Desai cooled down. He said, “If I had taken you for a conspirator, I would have got you arrested long ago, but this is not the case As a matter of fact, it is a retort for what you have said When the police of Delhi tried to blame my police, we told them that whatever information we got from you (Prof. Jain) on January 21, we had conveyed it to the authorities in Delhi, so it was not our fault ”

I replied that I had understood that they now wanted a scapegoat to shake off the blame. I would not be surprised if it should be myself

I had no strength to return home. My heart had become heavy and I could not think any further.

Somehow I dragged myself out of Mr Kher's bungalow and made for the Ramnarain Ruia College, where I had to attend a condolence meeting.

“I know you are one of the conspirators, I can have you locked up,” these words kept ringing in my ears,

What would the people say? “Ah, you wanted to save Bapu! Had we not told you that it was not wise to see these authorities often? At present these people are not what they were in the past but they are holding high posts. After all, you got a scolding!” But let the people wag their tongues at will. Being a citizen, was it not my duty to enquire of the ministers as to what had been done about my information? And if my information had been properly utilised, why could they not save Bapu?

On August 15, 1947 Pandit Jawaharlal Nehru had said in his speech that since they had achieved independence, every Indian should regard himself as a monarch (for this speech of his I had sent a note of congratulations to Panditji). He had also said that the Government were the servants of the people and they would try their utmost to relieve them of their sufferings. But here was an attempt being made to murder truth and to lay blame on others.

For a moment I glanced over—my past life

When I was a student I used to study the writings of Gandhiji with great interest. I had to resign from a High School in Ajmer for wearing a Gandhi cap. Being involved in the National Movement of 1930 I had given up my college studies.

I was shocked at the arrest of Gandhiji and that day, for the first time, an intense feeling of patriotism had moved me. I had taken part in the National Movement of 1942 and had undergone the sufferings of jail life. After reading the appeal issued by Maulana Abul Kalam Azad in the year 1947 that in western U P the Hindu-Muslim riots must be stopped, I had sent my name to his secretary, Prof Humayun Kabir, with the idea of working in the affected areas and to propagate the feelings of unity and peace among the people. When the refugees from the Punjab and Sind used to abuse Gandhiji and the Congress openly, I tried my utmost to exterminate the feelings of communalism from their minds. I have tried to do the same in my speeches, lectures and writings. Yet, the ministers of the Government of Bombay dared to hint that I also had a hand in the plot to murder Gandhiji, and that when I could not hold the secret any longer, I had passed on the information to them! But it only showed that this was an attempt to conceal their own guilt.

Travelling from the Government bungalow, engrossed in these thoughts, I took a bus, hardly knowing where I was going. I went almost mechanically to the Ruia College where I saw a huge crowd of students, who had assembled

for a condolence meeting and I was asked to make a speech. Somehow I stood up and said a number of things against the communal-minded people and their supporters. I also made a strong appeal to the students to get rid of the virus of communalism

I was unable to put my mind to anything serious. I had a feeling of despondency and I was thinking as to whom should I speak about my humiliation and ill-treatment at the hands of the ministers ? But keeping quiet over the matter was not going to help me. If the police shut my mouth by putting me into prison, the reality would remain hidden, and the authorities would act as they pleased.

I was considering whether I should write about the whole matter to Pandit Jawaharlal Nehru. But will that help me ? Will he believe me ? First of all, I was not sure whether the letter would reach him. In case it reached him, would he have the time to go through it and verify the truth ? If not, then, why should I not go and see him personally at Delhi ? But how shall I be able to see him ? Even in case I get an opportunity, it is difficult to say whether he would believe my story. Supposing I get an introductory letter from some leader ? But who would be prepared to give such a letter ?

I was perplexed and could not decide as to how I should act further? How could I safeguard the truth and make it known to the people?

On February 17, 1948 a C I D officer stepped into my house. I thought he might have come with a warrant of arrest. On being asked the officer replied that he had come to take down my statement. I told him that I had given my oral statement to Mr B G Kher and Mr Morarji Desai on January 21. The police officer replied that he wanted a written statement adding that a case for murder of Gandhiji would be put up in the Court and that I would be required to give my evidence.

I got my statement recorded with full details. But when it came to recording the names of Mr Kher and Mr Desai, the officer hesitated to take them down. I objected to this saying that in that case I would refuse to give any statement. The police officer replied that if he took down their names, his bosses might be implicated in the plot. However, after great persuasion, I succeeded in getting him to write "High authorities" instead of "The ministers of Bombay."

After some days I was produced before the Chief Presidency Magistrate for my solemn statement to be recorded. As required by law, my statement was briefly recorded with my caste,

sub-caste, religion, etc. I had already given my detailed statement before the police with the exception of the names of the Premier and the Home Minister. So after mentioning a few important events, I stated these two names.

I was thinking whether I should also mention anything about the treatment meted out to me by Mr. Morarji Desai. But I thought that it might be ignored and treated as irrelevant. Secondly, I thought that at this juncture the chief aim should be to get the culprits to book and the rest could be mentioned at a later stage.

After two or three days, I had to appear for the identification of the culprits. Others who had come there for this purpose included taxi drivers, hotel servants, hotel managers, religious heads and proprietors of factories. Some had helped the culprits with money, some by arms and ammunition and some had given them shelter.

At about this time the Government issued an ordinance prohibiting any writing about Gandhiji's murder. And, so even though I wanted to, I was unable to publish anything about the matter.

INTERVIEW WITH PANDIT NEHRU

I had given all the information that I had got concerning the murder of Mahatma Gandhi to the Government of Bombay on January 21. But even after the assassination of Mahatma Gandhi the police did not deem it necessary to contact me till February 17, when my statement was recorded.

About this time I learnt that towards the end of April, 1948 Pandit Jawaharlal Nehru was likely to come to Bombay to attend the meeting of the All India Congress Committee. I decided that I would try to see him and narrate the whole story. But I knew that it was no easy matter to gain access to the Prime Minister.

So I prepared a long letter to hand over personally to Panditji. I mentioned in this letter how Madanlal told me about the conspiracy, how I had conveyed this information ten days before the assassination of Gandhiji to the ministers of the Government of Bombay, and how they had treated me when I visited them again. After writing the letter, when I rang up the secretary of Panditji, I was told that the Prime Minister was very busy.

I met some leaders of the United Provinces, who had come to Bombay on the occasion of All India Congress Committee meeting. At last with their assistance, I succeeded in approaching one of the secretaries of Panditji. He expressed his helplessness saying that Panditji had no time, yet he would see if something could be done.

I was asked to be present at the Government House, and a note of admission was given to me.

I was admitted and I was asked to see the C. I. D. officer in charge. He was an acquaintance of mine, and he asked me how had I happened to come there. I replied that I wanted to see Panditji. But the officer told me that my name was not mentioned in the list of the visitors. I replied jokingly that if it was not mentioned, he might add it now. But the officer said that it was not possible.

At that time a Bishop had also come to see the Prime Minister. A chain and a cross made of solid gold hung round his neck. He had a considerable height and he spoke English with a fine accent. The Bishop enquired my purpose of coming there, and whether Panditji had given me an appointment. I replied that I was taking a chance and if I was able to meet him so much the better, otherwise I would return.

I enquired whether he had made an appointment. The Bishop replied that on the occasion

of some dinner, he had fixed up the time. Moreover, he wanted to see the Prime Minister concerning his community, and he had no personal interest

After a little while the Prime Minister arrived. The Bishop got up and shook hands with him. I also got up and did the same mentioning my name. Then Panditji went inside with the Bishop.

After about 20 minutes, when Panditji came out, I told him that I would like to talk to him. He remarked, "You come without making an appointment." I replied, "But I have some important work. I shall not take much time." With these words I produced my letter.

Panditji started reading

28, Shivaji Park,
Bombay 28
20 4-'43

To

Pandit Jawaharlal Nehru,

My Dear Panditji,

It is with deep regret and overwhelming sorrow that I bring to your kind notice certain events that took place before and after the assassination of Mahatma Gandhi, whose life

I tried to save by my interview with the Hon'able Mr. B. G. Kher and Hon'able Mr. Morarji Desai, the Premier and the Home Minister of the Government of Bombay, respectively. As a matter of fact, I wanted to address this letter to you long back, but thinking whether it would reach you, and whether you would be able to spare time to go through it, I abstained from posting it

The events which I wanted to bring to your notice are as follows .—

As soon as I read in the papers of January 21, 1948 about the dastardly attack on Mahatmaji's life by one Madanlal, because of certain things I knew about Madanlal, I immediately tried to contact Sardar Vallabhbhai Patel who happened to be in Bombay at that time. On being told that he had already left, I rang up Mr S K. Patil, President of the B. P C. C., but I learned that he had gone to the aerodrome to see the Sardar off. Then on telephone I contacted Mr B G Kher, the Premier of Bombay, and asked for an interview. I met the Premier and the Home Minister at 4 p m. the same day at the Secretariat and related to them the immediate past history of Madanlal with all details known to me.

Madanlal was introduced to me as a refugee from the Punjab who needed some employ-

ment In order to help him to earn a living, I gave him to sell some of my books on commission basis for sometime. Later on, after a few days, when he met me, he said that he had opened a fruit shop in Ahmednagar, where he was getting on well. One day, in the course of his conversation, he revealed that he was helped in Ahmednagar by one Karkare (who is today one of the main accused in the case against Godse), he had tried to assault Rao Saheb Patwardhan in Ahmednagar while he was addressing a meeting preaching Hindu-Muslim unity, that he had tried to dynamite the house of a local rich Muslim, that there was a dump of arms in Ahmednagar, that the local police was communal-minded and hence there was no question of any action being taken against him and his colleagues (some of these items of news had appeared in the Marathi papers also, which were shown to me by Madanlal).

Madanlal said that after hearing about his 'adventures' in Ahmednagar, Veer Savarkar of the Hindu Mahasabha had sent for him and patted him on his back for his anti-Muslim activities in Ahmednagar. He also revealed that there was a conspiracy to murder Mahatma Gandhi, and that the information regarding the movements of Gandhiji, was conveyed to him and his party by a Maharashtrian lady who was a member of

Gandhiji's entourage. He also gave me information about another big dump of arms in Bombay guarded by a Maharashtrian disguised as a Sikh.

When Madanlal talked to me about the above conspiracy, I remonstrated with him and condemned the diabolical idea in the strongest terms and warned him to remove even the thought of such a heinous crime from his mind. I also tried to rouse nobler instincts in him and advised him to devote his time to some constructive and peaceful work. At that time Madanlal actually promised me to disassociate himself with all communal activities and said that because of the help I had given to him in his hour of greatest distress, he regarded me as his father and would never do anything against my wishes.

Otherwise also, as of late, it has become a habit with the refugees and other anti-social people to talk of communal violence and crime, hence, in reality, I could not even dream that there could be some truth in the mischievous intentions of Madanlal.

But the bomb attempt by Madanlal on Mahatma's life at Delhi gave an extremely rude shock to me. I hastened to inform the Premier and the Home Minister of the Bombay Government, whatever I knew about this matter as a result

of my talk with Madanlal I tried to bring to their notice that the bomb explosion at Delhi should not be treated lightly or cursorily as a mere attempt of creating chaos at the prayer-meeting, it appeared to be a cruel and deliberate attempt on the part of some of the members of the Hindu community to remove Mahatmajī from our midst I reported to the ministers the conversation in full details I had with Madanlal and tried to impress upon them what now I had begun to feel that the act of throwing a bomb on Mahatmajī was not the work of a mad man, it appeared to be a concerted effort of the Hindu Mahasabha and the R S S to murder him with the help of some hired dare-devils from amongst the aggrieved refugees I urged upon the ministers that it was absolutely necessary to take the strictest and the most immediate safety measures to save Mahatmajī's life I also offered my services to help the Government in all possible ways. I told them that I was willing to fly to Delhi if necessary and meet Madanlal for the purpose of unearthing the satanic conspiracy. I also mentioned several other names and the information about the dump of arms in Bombay which had been given to me by Madanlal

After hearing my story, the ministers assured me that all necessary precautions will be

taken to safeguard Mahatmaji's life and that Sardar Patel, the Home Minister of the Central Government, would be immediately informed.

I do not know what happened afterwards, nor did I hear anything from the ministers.

Suddenly, on January 30, 1948 the news of Gandhiji's assassination struck the country like lightning. It is now useless to describe the feelings of shame, sorrow and remorse with which I was filled like the rest of my countrymen.

However, I, again contacted Mr Kher and Mr. Desai and told them how grieved I was, when nothing could be done inspite of my giving the information. If proper measures had been taken, perhaps the great catastrophe could be averted and the life of the Father of our Nation could be saved. When I finished saying these things, Mr. Kher agreed with me and said, "Yes, perhaps we are guilty, and probably Gandhiji's life could have been saved if we had acted more appropriately".

Just then, Mr. Morarji Desai happened to come there. Kher Sahab told him what I had said, and to my utmost surprise, without exchanging a word with me, he started shouting at the top of his voice and threatened me by saying, "You are one of the conspirators. You have helped Madanlal and that is why you did not inform us before hand, and now you have the

audacity to blame us. You should be put under arrest." I was shocked to see Mr. B. G. Kher also joining the Home Minister in charging me of having a part in the criminal conspiracy to murder Mahatmaji. I do not know whether the ministers were serious in their charges, or whether they were only threatening me to shut my mouth. I must confess that it was the rudest shock they could give me. I, however, tried my best to keep cool and simply said that if this was the reward I should get for my attempt to save the life of the Father of the Nation, I was prepared to undergo any punishment they would give me. I protested that jail could not terrify me, as I had been in jail in the Movement of 1942. Hence if they wanted to imprison me they could get me arrested then and there. They would not have to bother even to send the police, as I had presented myself before them. But, I further told them that I never expected such an attitude or behaviour from responsible political and Government leaders of their eminence. Afterwards the Home Minister cooled down and said that he did not want to get me arrested as he knew that I was innocent. If he wanted to send me to jail he could have done it earlier, and it was very wrong on my part even to suggest that the Government had not done everything possible to protect Gandhiji's life.

I left the matter there, only reminding the Minister (Mr Desai) about the dumps of arms and ammunitions about which I had previously intimated to him and which to my knowledge, had not been unearthed. I also reminded him of the names I had given to him in my first and subsequent interviews

Now I have heard from the police that I am to be produced in the court on behalf of the Crown. Needless to say, I readily agreed and my statement have already been recorded with all details by the police and the Chief Presidency Magistrate of Bombay. The Presidency Magistrate took it down my full statement, which the police refused to do and I expect that it would be of some help in bringing the guilty persons to book.

Now, the question arises as to why I have written this long letter to you and encroached upon your precious time ?

Firstly, I want to bring to your notice all the above facts because even now I am unable to get over my feelings that the Ministers of the Government Bombay did not act properly and that if they had done so with urgency and earnestness which the cause demanded, may be, the life of Mahatmaji could be saved.

Secondly, I feel—and I do not think it will be unknown to the Provincial or Central Governments—that the R. S. S. and the Hindu

Mahasabhaitees are reviving their activities. This news has appeared in the daily press. Now, there are vague and sinister rumours and threats on their parts to make attempts on your life and on the lives of the progressive national leaders. I do not think that such devilish plans, and even actions can be beyond these anti-national elements.

Hence, impelled by a sense of duty, and the great loss which our country has already suffered, I am taking the liberty to address this personal letter to you and hope that not only would it be taken in the same light, but would also receive due consideration.

Once again I pledge my services to you and to the cause of uprooting the enemies of the people.

I shall anxiously expect to hear from you and I hope you will spare a few minutes and send me a word in reply, which would satisfy me.

With kindest regards,

I remain,

Yours sincerely,

(Sd) J. C. Jain,

M. A., Ph. D.

(Professor of Ardhmagadhī and Hindi,
Ramnarain Ruia College, Bombay 19).

As Panditji was going towards his car, he was reading my letter. I was happy because my efforts had not been fruitless and I had not to return disappointed. I was sure that the Prime Minister would do the needful in the matter.

Reading my name at the end of the letter, Panditji asked me whether I was the same person. I replied in the affirmative. Then I left him.

TRIAL OPENS AT DELHI

The Gandhi Murder Trial commenced on May 27, 1948 in the Red Fort, Delhi, and charge-sheets were given to the accused on June 22, 1948

The Judge read the charge-sheet as follows.—

Re Mahatma Gandhi Murder Case

Rex Vs. Nathuram V Godse and eight others I, Atma Charan I C S, Judge, Special Court, Red Fort, Delhi, hereby charge you Nathuram V. Godse (37), Narayan D Apte (34), Vishnu R. Karkare (37), Madanlal K Pahwa (20), Shankar Kistayya (20), Gopal V Godse (27), Vinayak D. Savarkar (65), and Dattatraya S Parchure (49) as follows —

Firstly, that you Nathuram Godse, Narayan D. Apte, Vishnu R. Karkare, Madanlal K Pahwa, Shankar Kistayya, Gopal V Godse, Vinayak D. Savarkar and Dattatraya S Parchure,

Between December 1, 1947 and January 30, 1948 at Poona, Bombay, Delhi and other places agreed and conspired among and between yourselves and Digambar R Badge, who has been tendered a pardon, Gangadhar S Dandwate, Gangadhar Jadhav and Suryadev Sharma, who along with others are absconding, to do or cause

to be done an illegal act viz., to commit the murder of Mohandas Karamchand Gandhi, more popularly known as 'Mahatma Gandhi' and that the same act viz., the murder of 'Mahatma Gandhi' was done in pursuance of the said agreement and conspiracy at Delhi on January 30, 1948 and thereby committed an offence under Section 120-B of the Indian Penal Code read with Section 302 of the Indian Penal Code and within the cognizance of the Court.

Secondly, that in pursuance of the said agreement and conspiracy between January 10, 1948 and January 20, 1948 you Nathuram V Godse, Narayan D Apte, Vishnu R. Karkare, Madanlal K. Pahwa, Shankar Kistayya and Gopal V. Godse, along with Digambar D Badge,

A (1) Transported without a licence to Delhi arms and ammunitions viz, two revolvers with cartridges, in contravention of the provisions of Section 10 of the Indian Arms Act and thereby committed an offence punishable under Section 19 (1) of the Indian Arms Act and within the cognizance of the Court ;

(2) Abetted each other in commission of the above offence and thereby committed an offence punishable under Section 19 (D) of the Indian Arms Act read with Sections 109 and 114 of the Indian Penal Code, and within the cognizance of the Court;

B (1) At Delhi, had without a licence in your possession and under your control arms and ammunitions viz , two revolvers with cartridges, in contravention of the provisions of Sections 14 and 15 of the Indian Arms Act and thereby committed an offence punishable under Section 19 (F) of the Indian Arms Act and within the cognizance of the Court ;

(2) At Delhi, abetted each other in the commission of the above offence and thereby committed an offence punishable under Section 19 (F) of the Indian Arms Act read with Section 114 of the Indian Penal Code and within the cognizance of the Court.

Thirdly, that in pursuance of the said agreement and conspiracy between January 10, 1948 and January 20, 1948 at Delhi, you Nathuram V Godse, Narayan D Apte, Vishnu R Karkare, Madanlal K. Pahwa, Shankar Kistayya and Gopal V. Godse along with Digambar D. Badge,

A (1) Had in your possession and under your control explosive substances viz , two gun-cotton slabs and five handgrenades, with detonators and wicks, with intent to endanger life by means thereof or to enable any other person to endanger life by means thereof and thereby committed an offence punishable under Section 4 (B) of the Explosive Substances Act and within the cognizance of the Court ,

(2) Abetted each other in the commission of the above offence and thereby committed an offence punishable under Section 4 (B) of the Explosive Substances Act read with Section 6 of the Act and within the cognizance of the Court ,

B (1) Had in your possession and under your control explosive substances viz , two gun-cotton slabs and five handgrenades with detonators and wicks, under such circumstances as to give rise to a resonable suspicion that you did not have them in your possession or under your control for a lawful object and thereby committed an offence punishable under Section 5 of the Explosive Substances Act and within the cognizance of the Court ;

(2) Abetted each other in the commission of the above offence and thereby committed an offence punishable under Section 5 of the Explosive Substances Act read with Section 6 of the Act within the cognizance of the Court.

Fourthly, that in pursuance of the said agreement and conspiracy on January 20, 1948 at the Birla House, Delhi, you

A (1) Madanlal K. Pahwa unlawfully and maliciously caused an explosive substance viz , a guncotton slab, to explode, which explosion was of a nature likely to endanger life and to cause serious injury to property, and thereby committed an offence punishable under Seciton 3 of the

Explosive Substances Act and within the cognizance of the Court ,

(2) Nathuram V. Godse, Narayan D Apte, Vishnu R Karkare, Shankar Kistayya and Gopal V. Godse, along with Digambar D Badge abetted Madanlal K Pahwa in the commission of the above offence, and thereby committed an offence punishable under Section 3 of the Explosive Substances Act read with Section 6 of the Act and within the cognizance of the court

Fifthly, that in pursuance of the said agreement and conspiracy on January 20, 1948 at the Birla House, Delhi, you Nathuram V Godse, Narayan D. Apte, Vishnu R Karkare, Madanlal K Pahwa, Shankar Kistayya, Gopal V Godse and Vinayak D Savarkar, along with Digambar D. Badge abetted each other in the commission of an offence viz , to commit the murder of ' Mahatma Gandhi ' which offence is punishable with death or transportation for life and which offence was not committed in consequence of the abetment and thereby committed an offence punishable under Section 115 of the Indian Penal Code with Section 302 of the Indian Penal Code and within the cognizance of the Court.

Sixthly, that in pursuance of the said agreement and conspiracy between January 28, 1948 and January 30, 1948 you

A (1) Nathuram V. Godse and Narayan D. Apte brought without a licence from Gwalior to Delhi arms and ammunitions viz , automatic pistol No. 606824 with cartridges, in contravention of the provisions of Section 6 of the Indian Arms Act and thereby committed an offence punishable under Section 19 (C) of the Indian Arms Act and within the cognizance of the Court ;

(2) Nathuram V. Godse, Narayan D. Apte and Dattatraya S. Parchure abetted each other in the commission of the above offence and thereby committed an offence punishable under Section 19 (C) of the Indian Arms Act read with Section 114 of the Indian Penal Code and within the cognizance of the Court ;

B (1) Nathuram V. Godse at Delhi had in your possession and under your control arms and ammunitions, viz., automatic pistol No. 606824 with cartridges, in contravention of Sections 14 and 15 of the Indian Arms Act and thereby committed an offence punishable under Section 19 (F) of the Indian Arms Act and within the cognizance of the Court ;

(2) Narayan D. Apte and Vishnu R. Karkare at Delhi abetted each other in the commission of the above offence and thereby committed an offence punishable under Section 19 (F) of the Indian Arms Act read with Section 114 of the Indian Penal Code and within the cognizance of the Court.

Seventhly, that in pursuance of the said agreement and conspiracy on January 30, 1948 at Birla House, Delhi, you

(1) Nathuram V Godse did commit murder by intentionally and knowingly causing the death of 'Mahatma Gandhi' and thereby committed an offence punishable under Section 302 of the Indian Penal Code and within the cognizance of the Court,

(2) Narayan D Apte and Vishnu R Karkare abetted Nathuram V Godse in the commission of the above offence, which offence was committed in your presence, and thereby committed an offence punishable under Section 302 of the Indian Penal Code read with Section 114 of the Indian Penal Code and within the cognizance of the Court;

(3) Madanlal K Pahwa, Shankar Kistayya, Gopal V Godse, Vinayak D Savarkar and Dattatraya S Parchure, along with Digambar D Badge abetted Nathuram V Godse in the commission of the above offence and thereby committed an offence punishable under Section 302 of the Indian Penal Code read with Section 109 of the Indian Penal Code and within the cognizance of the Court

Then, the Chief Prosecution Counsel, Mr. C. K. Daphtary, stated that the fourth accused, Madanlal, met Prof Jain (a professor of a college in Matunga) on about January 12. He gave Prof. Jain some inkling of the purpose for which he was about to go to Delhi, but the professor did not take it seriously. Naturally no one would Prof. Jain also tried to dissuade Madanlal in a general way and pointed out the foolishness of any such thing as he might proceed to do. Prof. Jain would be brought before the court for evidence in this connection.

Mr. Daphtary also revealed that Madanlal went to one Mrs. Modak and informed her that he was on the verge of leaving for Delhi for some purpose and he hinted to her that she might look for something big to happen there

When the above statement of Mr. Daphtary was published in the papers, my friends asked me why, I did not inform the authorities if I knew of the plot ten days before. I told them that I had informed the ministers of the Government of Bombay but this has not been reported in the statement of the Prosecution Counsel.

The result of this incomplete statement of Mr. Daphtary was that two or three persons began to keep a regular watch on my house and tried to harass me in various ways. I was very

much perturbed, and I wrote to the Home Minister of the Government of Bombay and the Commissioner of Police. But, as I did not receive any reply from either of them, I personally met the latter. I brought to the notice of the Commissioner of Police that perhaps it may be the outcome of the statement of Mr. Daphtary in Delhi. He assured me that he would make proper arrangements in the matter.

Soon I was to go to Delhi for my evidence. By now, my book *Sampradāyāvada* (Communalism) was also completed. It may be mentioned that after the assassination of Gandhiji, in order to divert my mind from restlessness, I had started writing this book which describes the harm communalism has done to our country, and how it has led to the assassination of the Father of the Nation.

One day a C I D Officer told me that I would have to leave for Delhi the next day. Accordingly I left Bombay on July 21 and reached Delhi on 23rd.

When I reached Delhi, I was told that Badge, the approver, was still giving his statement and so there was still time for my evidence. Therefore, with the permission of the Prosecution Counsel, I left for my native place, Basera, in Muzaffarnagar district (U P).

I related to the people of my village the whole story. They were astonished to learn that, even though the Government were aware of the conspiracy ten days in advance, nothing effective had been done to save Gandhiji. They remarked that it might have been true that Gandhiji had disapproved of the arrangements to search the people attending his prayer-meeting, yet the persons going to the Birla house could have been very well searched, and after the arrest of Madanlal, the police could have traced his associates.

IN THE RED FORT

As soon as we entered the Red Fort, on the left there were some constructions and further up, was a big building enclosed by wires. There was a staircase to this building leading to the hall. Here in this hall, on the west, there was a platform where the Judge was seated. The Judge Mr. Atmacharan, is quite a young man having a smiling face, keen sight and a quick grasping power. To the left there was a witness-box opposite which, were seated the accused in the docks. First Savarkar, then Godse, Madanlal, Apte, and behind them, Kistaiyya, Karkare, Gopal Godse, and Parchure, who were well-guarded by armed police.

On the right side of the witness-box there were members of the Prosecution, Mr. C. K. Daphtary, Mr. N. K. Petigara, Mr. J. C. Shah, and M. G. Vyavharkar. On the left side of the accused, were the Defence Counsel, amongst whom Mr. Bhopatkar, Mr. Jamanadas Mehta, Mr. Oak, Mr. Inamdar, Mr. Mengle, Mr. Dange, Mr. Banerjee and Mr. Mehta were the chief. Behind the Counsels there were several police officers, press reporters and a few visitors.

On Wednesday, August 5, 1948, I was to give my evidence. Later on, I learnt that Mr. Bhopalkar, the Counsel for Savarkar, had submitted that the evidence of Prof. Jain was clearly hearsay evidence under Section 60 of the Indian Evidence Act and therefore, was inadmissible in law. Further, as laid down in Queen vs Blake (1844) followed in Mirza Akbar vs Emperor (1940), evidence must be rejected on the principal that a mere statement made by one conspirator to a third party was not evidence for or against another conspirator.

I was produced in the witness-box. At this time a court official approached me and uttered the following words, "I swear by God that whatever I say will be the truth...." which I repeated.

The examination of Mr. C. K. Daphtary Chief Prosecution Counsel, commenced. My statement was recorded as follows.—

I am a professor of Ardhamagadhi and Hindi in Ramnarain Ruia College, Bombay. I am an M. A. of the Banares Hindu University and a Ph. D. of the Bombay University. I am the author of several books.

I came to know the accused Madanlal some time in the second week of October, 1948. One Mr. Gupta brought Madanlal to my house and introduced him as a refugee boy. Mr. Gupta also

asked me if I could help Madanlal. I asked some of my friends if they could secure some job for Madanlal but it could not be done. Madanlal used to come to my house to enquire whether any arrangement had been made for him.

One day when Mr. Angad Singh, a business man, in Bombay was present, Madanlal said that he was prepared even to do a peon's work. Mr. Singh, however, asked Madanlal to do the business of selling vegetables, whereupon Madanlal said that he had no money. I then asked Madanlal if he would like to sell my books, and if he agreed, I would get books from my publishers and arrange to get 25% commission for him to which Madanlal agreed.

Madanlal started selling my books from October 26 and continued to do so for about ten days. Madanlal used to take books from my house and after selling them, used to make the payment. He was very honest in his dealings.

Just before Divali, Madanlal came to me and said that he could not get enough by selling books, and he was interested in selling crackers. After a few days again, Madanlal came to me and said that he would like to do business in fruits at Ahmednagar. I then suggested to him that he could sell my books on his way. After two or three days, Madanlal brought one Mr. Sud with him and asked for one hundred copies each of

three of my publications but I gave them only thirty.

Madanlal and Sud came to me again after about three weeks and said that they were able to sell books worth Rs. 40. They did not then make any payment and said that it would be made later

About a week later, I received a telephone call from Madanlal saying that he was ill and he would clear up my dues later. Madanlal thereafter came to see me in the second week of December, 1947. Madanlal told me that he was very sorry as Mr Sud had not paid up the money. He further told me that as he could not make any profit he intended to go again to Ahmednagar

I did not see Madanlal for some time, but received two letters from him expressing regret for non-payment of my money. The address given by Madanlal was—Babu Madanlal, C/o Karkare Saheb, Deccan Guest House, Ahmednagar.

I then saw him in the end of the first week of January, 1948. He came to my house with another gentleman, who was introduced to me as a Seth from Ahmednagar.

I reminded Madanlal about my dues and he asked the Seth to arrange for the payment.

Then both of them left the place, but immediately Madanlal returned alone leaving the Seth on

the road and told me that the fruit-stalls at Ahmednagar were owned by the Seth and he was only looking after them. Madanlal further added that they had driven away all the Muslim traders and now they had a monopoly of trade.

Madanlal went away saying that he would see me later. After two or three days, he met me near the Plaza Cinema and said that he had been to my house as he wanted to have a talk. I then proceeded with him to my house and as I was very tired I asked him to come some other time. Madanlal came at about 8 p.m. the same evening.

At this time Mr. Angad Singh was also present. Madanlal narrated his exploits at Ahmednagar and said that he was armed with a knife when he had assaulted Rao Sahab Patwardhan who was preaching Hindu-Muslim unity. He also said that the police did nothing as they were "Hindu-minded".

He further said that he had formed All-India Corps to organise refugees and the Hindus at Ahmednagar. Madanlal had brought some Marathi papers with him. He asked me to go through those papers, as his work at Ahmednagar was praised in them. Madanlal said that they had formed a party at Ahmednagar which was financed by Karkare and this party was collecting arms and ammunitions. Further, he told me that

Vir Savarkar of the Hindu Mahasabha had sent for him after hearing about his exploits, and had a talk with him for about two hours and in the end had patted him and asked him to "carry on".

Then he said that his party was plotting against the life of some leader. When I asked him for the name, he was reluctant to give it out saying that he was not told about it. But when I insisted he mentioned the name of Mahatma Gandhi.

I was horrified at this and said, "You must not do this act and behave like a foolish child." He told me that he had been entrusted with the work of throwing a bomb at prayer-meeting of Gandhiji and create choos. Then in the confusion Gandhiji would be over-powered by the members of his party. I advised him saying, "You are a refugee and although you have suffered a lot you must not behave in this manner".

I had a long talk with him and I tried to dissuade him from what he intended to do. Then he left me saying that he would not do anything against my advice.

While leaving Madanlal told me that he was staying in the Hindu Mahasabha Office and had to hurry back as Karkare had an eye on him and he would not allow him to go alone.

Madanlal then gave me Rs. 15 and said that the remaining dues would be paid by Sud.

I did not take Madanlal very seriously as he was a refugee and refugees were in the habit of abusing the Congress and Gandhiji openly

After a day or two, Mr Angad Singh happened to visit me and I related to him what Madanlal had told me. He also advised me not take such things seriously

Madanlal came to my house again after a day or two and I asked him if he had thought over my advice. He replied, "I am under your obligation and since you have helped me so much, I regard you as my father, and if I do not listen to you I will be doomed"

Madanlal then left my place. After a day or two, he visited me again at about 8 p.m. He told me that he was going to Delhi as he had got some work and he would see me again on his return

There was a meeting held at St Xavier's College Hall addressed by Syt. Jayaprakash Narayan. This meeting was organised by the Podar College, Matunga. I was present there, and I tried to contact Syt. Jayaprakash Narayan because I wanted to convey to him what I had heard from Madanlal

As Syt. Jayaprakash was going to Delhi I thought that he might convey this information

to the authorities there. I could not give him the full details as he was surrounded by a crowd. I just managed to give him a hint of probability some conspiracy at Delhi.

Babu Jayaprakash Narayan was to leave for Delhi within two or three days and I intended to see him the next day. I, however, could not do so as I had to take my child to hospital.

Then on January 21 I read about the explosion at Gandhiji's prayer-meeting, and the arrest of Madanlal Mr. Angad Singh came to me on the morning of January 21 and we decided to contact Sardar Patel immediately and to inform him all about Madanlal. But we could not contact him on the phone as he had already left for the aerodrome. I then tried to contact on the phone Mr. S. K. Patil, President of the Bombay Provincial Congress Committee. But I was told that he had accompanied Sardar Patel.

I then contacted Mr. B. G. Kher, Premier of Bombay.

(Court "Did you actually meet him?")

I: "Yes, Sir.")

I had an appointment with Mr. Kher in the Secretariat at 4 p. m. Mr. Morarji Desai, Home Minister of Bombay, was also present. I then narrated everything that I knew about Madanlal.

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I was cross-examined the next day (Thursday, August 6)

First of all, Mr. Bhopatkar, the Counsel for Savarkar, got up. He was about 65, with a long and wrinkled face and grey-hair. He started cross-examining me.

“Who is the Principal of your college?”
“Did you talk to him about the conspiracy?”
“Are most of the professors of your college Maharashtrians?” “How far is the college from your house?” “How far is Savarkar’s residence from your house?” “Did you visit the place where Madanlal lived?” “When did you come in contact with the police?” “Why was there a difference between your statements given before the police and the Presidency Magistrate?” “In what capacity did you want to unearth the conspiracy?” “Did you mention about the story to anyone before the explosion took place on January 20?”

Mr Bhopatkar was so slow in his examination that the Judge had to intervene him.

Mr Oak, the Counsel for Godse, refused to put me any question. Then came the turn of Mr Mengle, the Counsel for Apte. He was quite young and he was a contrast to Bhopatkar in cross-examination.

His questions were as follows :—

“Do you recollect any outstanding event that took place in Bombay about the end of the first week of January last?”

“No.”

“Do you recollect any outstanding event that happened in India at the end of the second week of January?”

“No, I am unable to do so.”

“By ‘end of the second week’ do you mean the 13th or 14th of the month?”

“By the end of the second week, I mean the end of the second week.”

“Who is the present Governor of Bombay?”

“I do not know exactly. It may be some Maharaj..... or something like it.”

“Do you know when did the present Governor of Bombay take charge of his office?”

(The Judge intervened at this stage and said to Mr Mengle, “How can you expect him to remember the date. Take for example the Governor of my province, I will not be able to recall when she was appointed Governor).

“How long have you been a four-anna member of the Congress?”

"I have been a four-anna member of the Congress for a year or two I have not paid subscription for some time"

Mr. Mengle "In that case you must have been a member for some years?"

(Judge "You are entering into argument").
Mr Mengle "I am entitled to ask because it is important for me"

(Judge "You can put any number of questions in reply to another question").

"Were you detained in 1942 Movement as a congressman?"

"Yes"

However, Mr Mengle did not continue for long

Mr. Dange, the Counsel for Karkare, was about 45, stout in build and dark in complexion He asked me the following questions —

"What is your salary?" "Have you got a radio?" "Have you got a telephone?" "What are the prices of your books?" "Have you not concocted the story regarding your asking Madanlal if he had taken your advice in order to shield yourself from being involved in this case?" "What places have you visited in Maharashtra?" "Since when are you acquainted with Angad

Singh?" "Do you know Sardar Vallabhbhai Patel personally?" "Are you a socialist?" "Being a professor, can you give me a definition of a 'boy'?"

(Judge : "That is difficult to say because sometime even eighty-year old men are also called boys, as in hotels and restaurants.")

"What do you understand by the word Seth?" "Is it not a social etiquette that when two persons were introduced to each other, the names of the persons introduced were mentioned?" "Did you tell Madanlal that you were a congressman?"

Mr Dange also put me other questions

"Did you read in the third week of January that due to his fast Mahatma Gandhi's condition was serious?"

"Yes."

"Did you as a congressman take any steps such as holding prayers to relieve his condition?"

(Judge : "How could prayers relieve the condition?")

Mr. Dange : "Prayers are effective because they are addressed to God who is omnipotent."

(Mr. Daphtary : "Sir, that is hearsay").

"When you came out of the jail in 1943, was there any function arranged by the college students to congratulate you on your release?"

“I do not remember if any such function was arranged by the college students”

“Is it true that in this function the congress-minded students praised you and the Hindu Mahasabhai students spoke against you?”

“It is not true”

“Is it true that in this meeting a girl student spoke against you, and she lodged a complaint against you with the Principal of the college, and that the latter called for an explanation?”

“This is all false I emphatically deny as there was no such function ever held in the college”

Next came the turn of Mr. Banerjee, about 45 in age, hefty in build and round faced. To provoke and unnerve the witnesses, he used to laugh scornfully, and was always ready to join Mr Mengle in opposition. I had heard his satirical remark concerning my book entitled ‘Life in ancient India as depicted in the Jain canons.’ “Is it for such type of works that the University of Bombay was spending money?”

It would not be out of place to say that for writing this book I was conferred the degree of Ph D by the University of Bombay in the year 1945. For its publication the University of Bombay gave some financial grant which was acknowledged by me in the preface to the book

Mr. Banerjee tried to provoke me in other ways. Once in his Bengali accent he addressed me as "Jaugdeesh Prashad." I resented it and at this Mr. Banerjee laughed contemptuously. In the same way, when in answer to his questions, sometimes I said that I did not remember a certain thing, he remarked sarcastically as to how I remembered everything about the books sold by his client (Madanlal).

Mr Banerjee put me various questions —

"While writing books on Jainism, have you ever compared the philosophy of non-violence of Jainism with that of Gandhiji?" "What newspapers do you read?" "Have you ever been to Ahmednagar?" "As Madanlal told you about his experiences in Pakistan, did you also tell him about your experiences of the "Quit India" Movement?" "Do you know that Sardar Patel's speech about giving Rs. 55 crores to Pakistan created unrest among the refugees?" "Why did you not help the girl named Pushpa in her removal from the custody of a Muslim to Shraddhanand Mahila Ashram?" "Did you not realise that if there was a conspiracy it was your duty to go to a police station and not to Mr. Jayaprakash Narayan?" "How far is the police station from your house?" "Was the story that you gave to Mr Morarji Desai based on what you read in the "Times of India" on January 21?" "What is your income

from your books?" "Do you pay income tax to the Government?"

In his cross-examination, Mr Banerjee tried to prove that his client had not seen me in the first week of January. According to Mr Banerjee, on January 5 there was a lecture of Rao Saheb Patwardhan in Ahmednagar, when Madanlal was arrested after a scuffle and he received an injury in the neck and was removed to hospital.

(But I had already made this point clear to the court. The fact was that in my statement I had never said that Madanlal had come to see me on January 6. In the court I was asked as to what I understood by the end of the first week, to which I had replied that the end of the first week may be 6th or 7th of the month. According to my statement Madanlal had visited me about the end of the first week of January, which may also mean the 8th or 9th of the month. I had told the court as well as the police in my statement that I did not remember the exact date of his visit. After my evidence was over, I drew the attention of the learned Judge to this error while signing my statement. See further the remark of the Judge in this connection.)

However, later on, Mr Banerjee asked me somewhat irrelevant questions, which were disallowed by the learned Judge. For instance, Mr Banerjee asked me, "If you realised that there

was a conspiracy, was it not your duty to go to the police station instead of going to Mr. Morari Desai ?”

(Judge : “I think a lot of people will hesitate to go to the police headquarters about a conspiracy of this nature and why you yourself can imagine”).

However, my answer to this question was that it was not safe to repose faith in the police.

Once Mr. Banerjee left his usual seat, consulted his client and continued his cross-examination. I remember that, when the learned Judge objected to this, Mr. Banerjee finished his examination for the day saying that he was not prepared and would continue the same next day.

On Monday, August 9, the cross-examination was continued. After Mr Banerjee, came Mr. Inamdar, the Counsel for Gopal Godse and Parchure. He put me a few questions and that was the end of it.

After my evidence, I got a chance to meet some of the Government officers in Delhi. I was told that there was a dispute between the Bombay police and the Delhi police and both charged each other with negligence. It was said that on January 20, after the bomb explosion in the prayer-meeting of Gandhiji, some police

officer of Delhi had left for Bombay to make investigations, but for lack of co operation he had to return disappointed

I also met Pandit Jawaharlal Nehru and reminded him of my letter

THE EVIDENCE OF MR. MORARJI DESAI

My statement had created a sensation in Bombay. After my return from Delhi, many people came to visit me, and many looked at me with curiosity. I saw members of the R. S. S assembled for their private meetings either at the maidan of the Shivaji Park (in front of my house), or on the terraces of buildings, pointing out towards me.

The evidence of Mr. Angad Singh also had ended. I learnt that now Mr. Morarji Desai, the Home Minister of Bombay, was about to leave for Delhi for his evidence.

At about this time the following news appeared in the Hindi Dainik Vishwamitra of Bombay, dated August 18, 1948.

“The Home Minister Mr. Morarji Desai will be going to Delhi in a few days, where he will give evidence before the Magistrate, Shri Atmacharan, in Mahatma Gandhi Murder Case. On Tuesday there was a talk in the Secretariat that Prof. Jain of the Ruia College has implicated the Home Minister without any reason. A spokesman of the Bombay Government stated that lawfully it was improper for the Home Minister to give evidence at Delhi, nevertheless, Mr. Morarji Desai

would definitely go to Delhi with a view to remove the misunderstanding of the people. Mr Desai has been served with summons”

Thorough a letter I drew the attention of Mr Atmacharan, the Special Judge to the above news I also wrote letters to Mr. C K Daphtary, Chief Prosecution Counsel, and Mr Morarji Desai I wrote to the Hon'ble Home Minister of Bombay that the news item was defamatory to him as well as to me, and that for a man of my means it was not possible to proceed against the said newspaper, and so if he desired, he could take necessary steps After a few days I received a letter from the Personal Assistant to the Hon'ble Minister of Home and Revenue that since the Hon'ble Minister did not consider the reference contained in the said newspaper defamatory, he did not propose to take legal action against it.

About this time Mr Morarji Desai reached Delhi and his statement was recorded by the Special Court as follows —

“Prof Jain in the Ruia College had given me the information regarding the conspiracy to murder Mahatma Gandhi on January 21 On getting this information, I sent for the Officer-in-charge of intelligence, Mr. Nagarwala He could not come immediately as he was busy elsewhere But the same night I was to go to Ahmedabad and

so I asked him to see me at the railway station. Mr. Nagarwala saw me at the station. I told him the whole story as narrated by Prof. Jain and asked him to take necessary action."

"I gave him three instructions. Firstly, I ordered him to arrest Karkare immediately, who was asked to be arrested ten or eleven days before in connection with another case, but could not be found out. Secondly, I ordered Mr. Nagarwala to keep a close watch on Mr. Savarkar's house and his movements, and thirdly, to find out as to who else were involved in this plot."

"I reached Ahmedabad on the morning of January 22, where I met Sardar Vallabhbhai Patel, who had gone there the previous day. I told him and his secretary what I learnt from Prof Jain and the actions I had taken "

Answering questions put to him by Mr. C. K. Daphtary, Chief Prosecution Counsel, Mr. Desai said that when Mr Nagarwala, Chief of the Special Branch, Bombay Police, met him at the railway station as instructed, he did not tell Mr. Nagarwala as to who had given him the information about the alleged plot.

"Prof. Jain" Mr. Desai added, "told me that he would not like his name to be divulged having regard to the locality in which he lived and the persons involved as otherwise his life might be in

danger. Prof Jain also told us that he was prepared to give all the help he could in connection with the investigation, if required”.

“Four or five days after the assassination of Mahatma Gandhi, Prof. Jain approached me and told me that he did not mind the danger to his life and was prepared to help the police openly.”

“I then put him in contact with Mr Nagarwala I kept myself in touch with the investigation after January 21, in the Bombay Province ”

Various questions were put to Mr Desai.—

“How many interviews did you have with Prof Jain ?”

“I have met Prof Jain in all thrice between 21-1-'48 and till I put him in contact with Mr Nagarwala The first interview took place at the Secretariat on 21-1-'48, and the last two at my residence, one was about 31-1-'48, another about February 3 or 4, '48.”

“Do you know how many interviews Prof. Jain had with Mr. Nagarwala after he was put in contact with him ?”

“I do not know.”

“Did you find out the antecedents of Prof Jain ?”

“I did not ”

“Did you accept Prof. Jain’s help when he told you that he was prepared to help the police openly?”

“That is why I put him in touch with Mr. Nagarwala.”

“Did you ask Mr. Nagarwala to find out whether the story related by Prof. Jain was true?”

“I certainly did ask Mr. Nagarwala to find out if the story given by Prof. Jain was true.”

“Do you know whether Prof. Jain gave any information about the plot to any police officer prior to January 21?”

“I do not know.”

“Do you know that Prof. Jain was in close touch with Madanlal?”

“Prof. Jain had told me that Madanlal was in close touch with him.”

“Did you ask Mr. Nagarwala to keep a watch over Prof. Jain?”

“I did not.”

“Was it fair to Mr. Savarkar to direct a watch on his house only on Prof. Jain’s evidence?”

(The Judge did not allow the question).

“Did you have any other information besides Prof. Jain’s statement to you on which you directed a close watch on Mr. Savarkar’s house and his movements?”

“Shall I give my reasons ? It is for Savarkar to decide whether I should answer I am prepared to give my reasons ”

(Judge “If witness gives his answer I shall have to take them down in full) ”

Mr. Bhopatkar : “I withdraw my question ”

“When Prof Jain was taken to you on January 21, did you ask Prof Jain as to the relations existing between Jain and Madanlal ? ”

“It was not necessary to ask because he himself had told me.”

“When Prof Jain told you this story, did you not think in your mind as a politician that this might be an eyewash to protect him from any criminal liability because of his association with Madanlal ? ”

“I did not consider it an eyewash but I considered it to be a genuine one ”

“Will you tell the court reasons for your believing the story of Prof Jain ? ”

“I have long experience of judging stories because I was a Magistrate for about eleven years. The frankness with which Prof Jain narrated me the story caused me to believe he was telling the truth When Prof. Jain was telling me the story, my experience as a Magistrate had automatically come into operation.”

I read with great interest the unsolicited certificate about my integrity given by the Home Minister, and for a moment I almost forgot the past. Yet, now and then his words kept ringing in my ears, "I know you are one of the conspirators....."

THE STATEMENTS OF THE ACCUSED

After the evidence of Mr Morarji Desai, other evidences were recorded in which the evidences of Mr. Brown, the Chief Presidency Magistrate of Bombay, and that of Mr J D. Nagarwala, the Deputy Commissioner of Special Branch C. I. D. Bombay, and the Chief Investigating Officer of the Mahatma Gandhi Murder Case, were chief.

The recording of evidence in this case began on June 24, 1948, when 149 prosecution witnesses were examined. They had come from various walks of life including railway clerks. telephone clerks, hotel managers, photographers, astrologers, religious heads, businessmen, a launder, a gardner, an actress and many others. It took 84 days to record these evidences running into 720 foolscap typed sheets. Badge's statement itself covered 70 foolscap sheets. The Prosecution exhibited in all 404 documents, while the Defence filed 119, out of which there were 80 material exhibits. Every question and answer had to be interpreted by Hindustani, Marathi and Telugu interpreters. Some witnesses also gave evidence in Gujarati, and some in Punjabi.

The second phase of the case began on November 8, 1948, when the court started recor-

ding the statements of the accused. All except Shankar Kistayya filed written statements which consisted of 297 pages.

Nathuram Vinayak Godse, accused No. 1, admitted his guilt in the Special Court and said that he alone was responsible for the murder of Gandhiji and that he deliberately fired shots at him. He denied all charges of entering into a conspiracy with any one.

The accused made a considerably long statement, which has been banned by the Government.

Narayan Dattatraya Apte, accused No. 2, admitted that he had gone to the prayer-meeting of Gandhiji on the evening of January 20, 1948. He pleaded that it was simply for the purpose of seeing if there was any prospect of being able to hold any demonstration. But, when he reached the prayer-ground he found that the microphone was not working and therefore, it was not possible to hold the demonstration in the way he wanted. Then having learnt that Madanlal was arrested at the Birla House, he felt that the act was very disquieting, and therefore, he decided to leave the capital and returned to Bombay. Along with Nathuram V. Godse he was at Gwalior on January 28, with a view to obtain some volunteers from Parchure for the purpose of staging a demonstration. According to the accused, on January 30, he was not present in Delhi. He

denied that he had committed any of the offences which he was charged with in the case.

Vishnu Ramkrishna Karkare, accused No. 3, admitted that Madanlal asked him to go to Delhi in connection with the settlement of his marriage, and to participate in the peaceful demonstration in the prayer-meeting of Gandhiji. Both, he and Madanlal left Bombay on January 15, and reached Delhi on January 17. On the evening of January 20, when he arrived at the Birla House, he learnt about the bomb explosion and the arrest of Madanlal. It made him frightened and he left Delhi. According to the accused, he had met Madanlal at Chembur Camp.

Madanlal K. Pahwa, accused No. 4, said that his sole object in going to the Birla House and causing an explosion was to attract Mahatma's attention to the tragic condition of the sufferers in Pakistan. The accused pleaded that he had never seen Dr. Jain in January, 1948, neither he had told him anything about the conspiracy to murder Mahatma Gandhi. He also denied to have paid any visit to Savarkar and to have had any talk with him. According to the accused, he met Karkare in Ahmednagar, where he had gone for fruit business.

Shankar Kistaiya, accused No. 5, corroborated the evidence of Badge and said that he had sincerely obeyed his master. He said that even

after reaching the Birla House he was not told anything about the conspiracy of the murder of Gandhiji.

Gopal Vinayak Godse, accused No. 6, said that it was untrue that he had visited places like Delhi, Bombay or Poona during the period of January 17 to January 25, 1948. During this time he was at Uksan (Poona) and thereafter he attended to his work at Kirkee (Poona). He categorically denied of all the charges levelled against him.

V. D. Savarkar, accused No. 7, denied the charges of conspiracy and abetment in the commission of any offence framed against him, and pleaded that he was perfectly innocent. According to the accused, Badge's evidence was an uncorroborated hearsay and hence was unbelievable. Similarly, so far as he was concerned, the evidence of Dr. Jain, Mr. Angad Singh and Mr. Morarji Desai was hearsay testimony. He Savarkar) did not know Madanlal at all. The latter never met him nor had he (Savarkar) any conversation with him.

Dattatraya Sadashiv Parchure, the accused No. 8, admitted that Godse and Apte visited his house in Gwalior on January 28, and they came there to request him to lend some volunteers from the Gwalior organisation. He flatly refused to send volunteers for such purpose. The accused also

pleaded that all his life he had been a subject and a domiciled resident of Gwalior State and therefore, the present court had no jurisdiction to try him.

ARGUMENTS OF CHIEF PROSECUTION COUNSEL

The Gandhi Murder Trial entered its third phase on December 1, 1948 when Mr. C. K. Daphtary, Chief Prosecuting Counsel, began his arguments before Mr. Atmacharan, Special Judge, at the Red Fort.

Nathuram V. Godse is the editor and Narayan D. Apte the manager of the Hindu Rashtra published from Poona. They are both Hindu Mahasabhites, and are close associates of each other having the same political outlook. Vishnu R Karkare is a resident of Ahmednagar. He is also a Hindu Mahasabhite, and has been known to Nathuram V. Godse and Narayan D. Apte for a considerable time having the same political views. Madanlal K. Pahwa is a refugee from the Punjab. He first came in contact with Vishnu D. Karkare and then through him with Nathuram V. Godse and Narayan D. Apte. Digambar D. Badge (approver) runs the Shashtra Bhandar at Poona, and of late has been trafficking in arms, ammunition and explosives. He is also a Hindu Mahasabhite. Shankar Kistayya is the servant of Digambar D. Badge. Gopal V. Godse is the brother of Nathuram V. Godse. Vinayak D. Savarkar is the ex-President of the Hindu Maha-

sabha, and resides at Savarkar Sadan, Bombay. Dattatraya S. Parchure resides at Gwalior, and is the leader of the Hindu Sabha at Gwalior.

After the partition of India into two dominions, seeing how Mahatma Gandhi was striving to safeguard the interests of the members of the minority community in the dominion of India, the accused entered into a conspiracy and hatched a plot to end his life.

CASE HISTORY

Dealing with the case Mr Daphtary said that matters really began about November 1947. In November, Digambar Badge while going on a pilgrimage to a place in Bhore State met Narayan Apte. Apte wanted arms and ammunition from Badge. Eight or ten days later, Badge returned to Poona, made arrangements to secure the "stuff" and went to the Hindu Rashtra office, which was run by Nathuram Godse and Apte. Later on, on January 9, Karkare, Madanlal, Om Prakash and Chopra went to Badge's place at 8-30 p. m. Karkare then asked Badge to show the "stuff". Shankar brought the "stuff" from the place where it was kept. It consisted of gun-cotton slabs, hand-grenades, cartridges, pistols, and fuse wires. Next morning Apte asked Badge to supply them two gun-cotton slabs, two revolvers and five hand-grenades. Badge

told Apte that he had no revolvers and, thereupon, Apte asked him for two gun-cotton slabs and five hand-grenades and that the delivery should be made at Bombay and the price would be paid.

Then, about January 10, Madanlal saw Dr. Jain, accompanied by Karkare Two or three days later, Madanlal again saw Dr. Jain. Madanlal then mentioned certain of his explosives and he also mentioned at that stage, the name of Savarkar. At that meeting he made it clear to Dr. Jain that there was a plot or a conspiracy to take the life of Mahatma Gandhi. Dr. Jain did not take the matter seriously. A day or two later, there was a further conversation between Dr. Jain and Madanlal. The next day Madanlal saw Dr. Jain at night and told him that he was leaving for Delhi.

Then, Nathuram Godse effected the nominations on his two life policies, one in favour of the wife of Narayan Apte on January 13, and the other in favour of the wife of his brother, Gopal Godse on January 14. Each of these nominations was witnessed by Apte. At about this time Gopal Godse applied for seven days' leave beginning from January 15. Thus on January 14 Nathuram Godse and Apte went to Bombay, on the same day Badge and Shankar also went to Bombay with the 'stuff', Nathuram Godse assigned his life policies to the wife of Apte, and

to the wife of Gopal Godse, Nathuram Godse paid Rs 200 to Gopal Godse on January 14, so that he may be able to reach Bombay, and Gopal Godse applied for leave. The coincidence of all these events, according to Mr Daphtary, was most significant.

Badge and Shankar came to Bombay on January 14 and met Apte and Nathuram Godse. They all then went to the house of V D Savarkar, except Shankar who was left behind in the Hindu Mahasabha office. Badge waited outside and Apte and Nathuram Godse went inside with the bag and came back five or ten minutes later with the bag. From there, the three persons went back to the Hindu Mahasabha office, took Shankar and proceeded to Dixit Maharaj's house at Bhuleshwar. There the bag containing the 'stuff' was left and they returned to the Hindu Mahasabha office.

Madanlal met Badge at the Hindu Mahasabha office at Dadar on January 14. On the morning of January 15, Apte booked two tickets under assumed names by plane to leave Bombay for Delhi on January 17. On the same day, Apte and Nathuram Godse met Badge, Shankar, and Madanlal at the Hindu Mahasabha office and Shankar, Badge, Nathuram Godse and Apte went to a place called the Agrani Printing Press, belonging to one Mr. G. M. Joshi. Karkare also arrived there. There was a meeting and Shankar remained

outside. Except for Joshi, all of them came back to the Hindu Mahasabha office. Apte, Nathuram Godse, Karkare, Madanlal and Badge went to Dixit Maharaj's house. They went into the interior of the house and met Dixit Maharaj. The bag that had been left there on the previous day was called for and opened and there was a conversation. Karkare and Madanlal were then asked by Apte to take the 'stuff' and leave for Delhi that night.

Narayan D. Apte asked Dixit Maharaj if he could procure a revolver or two for him. Dixit Maharaj told him that he had no such arms with him at the time and that he would do all he could. On coming out from Dixit Maharaj's house, Apte asked Badge if he was prepared to go with them to Delhi and he told Badge that Tatyarao Savarkar had decided that Gandhiji, Jawaharlal Nehru and Suhrawardy should be finished and had entrusted that work to them.

On January 15 Karkare and Madanlal left by train for Delhi at night. They reached Delhi on January 17. They put up in the Sharif Hotel where Karkare gave an assumed name.

Badge and Shankar returned to Poona on January 16. Nathuram Godse who had also gone to Poona to meet his brother Gopal V. Godse, who had undertaken to procure a revolver, went

to see Badge and asked him to come to Bombay. Badge and Shankar accordingly left for Bombay on the night of January 16, and reached there on the morning of January 17. Shankar got down at Dadar while Badge went to Bombay where Nathuram Godse and Apte waited for him. Nathuram Godse and Apte proposed to collect funds. A taxi was engaged and they, along with Badge, went to the Bombay Dyeing Mills where they met Mr Charandas Meghji Mathurdas and collected a sum of Rs 1,000 from him. From there they proceeded to the Hindu Mahasabha office and picked up Shankar who had got down at Dadar.

Nathuram Godse proposed to have the last *darshan* of Tatyarao Savarkar. They all went to Savarkar's house. Shankar was left in the taxi while Badge, Nathuram Godse and Apte walked in to the house. Badge was asked to wait on the first floor, while Nathuram Godse and Apte went to Savarkar. They had a talk with Savarkar and came out after a little while when the latter told them *yashasvi honn ja* (be successful and come). When Godse, Apte and Badge got into the taxi, Apte said that Tatyarao Savarkar had remarked that Gandhiji's hundred years were over.

The party then visited Afzalpurkar and Kale, from whom they collected Rs. 100 and Rs. 1000 respectively. After visiting Dixit Maharaj, when

Narayan Apte asked him for a revolver, they proceeded to Santa Cruz aerodrome where Apte gave Rs. 350 to Badge and asked him to proceed to Delhi by train.

Nathuram Godse and Apte travelled from Bombay to Delhi on January 17 under assumed names. On arriving at Delhi, they stayed at Marina Hotel under assumed names of "S. Deshpande" and "M. Deshpande." On January 19, Badge and Shankar arrived at Delhi and went to the Hindu Mahasabha Bhavan, where they put up in a room in which Madanlal and Gopal were already staying. After some time, Nathuram Godse, Apte and Karkare came there and returned after meeting Badge and Shankar. Badge, Shankar, Gopal and Madanlal slept in that room for the night. Next morning, Apte and Karkare came to the Hindu Mahasabha Bhavan. Apte asked Badge and Shankar to go with him to the Birla House and they did so. They got down at the main entrance of the Birla House where they were stopped by a *chowkidar*. They however, told the *chowkidar* that they wanted to see the secretary and gave him a chit. Meanwhile, a man came out from the Birla House. Apte pointed out that man to Badge and said that he was Suhrawardy. They then went behind the Birla House. Apte pointed out to Badge the place where Mahatma Gandhi used to hold his prayers. He took measurements of the openings in a window with trallis-work there, and told him

that through that opening a revolver shot could be fired and also a hand-grenade could be thrown from the room behind. He also showed the place where a gun-cotton slab was to be exploded to divert the attention of the people collected at the prayer-ground. On returning to the Hindu Mahasabha Bhavan, Apte, suggested to Gopal Godse that he should accompany him to the jungle behind the Hindu Mahasabha Bhavan to try the pistol. Apte, Gopal Godse, Badge and Shankar went to a place to try the pistol and returned to the Hindu Mahasabha Bhavan after sometime. Later on, Apte, Karkare, Madanlal, Badge, Shankar and Gopal came to room No 40 of the Marina Hotel, where Nathuram Godse was lying in bed. Arms and ammunition were distributed among the accused there. Nathuram Godse told Badge that it was their last attempt and the work must be accomplished successfully. It was agreed among them that as soon as Madanlal exploded the gun cotton slab others should shoot Gandhiji. Nathuram Godse and Apte were to give signals to Badge and Madanlal respectively. Apte, Gopal Godse, Shankar and Badge came to the Birla House in a taxi. After having exploded the gun-cotton slab, Madanlal saw that nothing had happened as anticipated. Apparently, he attempted to run away, but was apprehended and taken to the police. On his being searched, a hand-grenade was recover-

ed from his coat. Badge and Shankar returned to the Hindu Mahasabha Bhavan and Badge asked Shankar to throw away the two hand-grenades behind the Bhavan. Meanwhile they were visited by Apte and Nathuram Godse. Badge was angry with them. Badge and Shankar left for Poona on the same evening, while Nathuram Godse and Apte left for Cawnpore. Karkare and Gopal Godse stayed for the night in the Frontier Hindu Hotel, and left Delhi the next day. Apte and Godse left Cawnpore on January 22 and reached Bombay on January 23. They put up together in Arya Pathik Ashram under assumed names. From there they shifted to Elphinstone Hotel Annexe, and stayed there also under assumed names. On January 25 Karkare turned up at the house of G. M. Joshi at Thana. Gopal Godse also came there. Nathuram Godse and Apte met Karkare and Gopal there.

On January 25 Nathuram and Apte reserved two seats by plane for Delhi for January 27 under assumed names. On January 26 Nathuram Godse and Apte were in Bombay and they went to meet Dada Maharaj and also Dixitji Maharaj and asked them for a revolver, but no revolver was given to them. On January 27 Nathuram Godse and Apte left by plane for Delhi. On arriving at Delhi, they left for Gwalior, where they reached at 10-30 p.m. The same night they visited Dr. Parchure. Their visit to Dr. Parchure

resulted in the procurement of a revolver. They returned to Delhi and stayed at the retiring room of the Delhi railway station. On the morning of January 30 Karkare was also with them. In the morning, they vacated the retiring room and the bedding of Nathuram Godse was put in the First Class waiting room.

At 5 p m that evening, Nathuram Godse fired three shots at Mahatma Gandhi in the Birla House. These three shots resulted in the death of Mahatma Gandhi. Nathuram was apprehended on the spot and a pistol was recovered from him. Three wounds were found on the body of Mahatma Gandhi. Three empty bullets were also recovered. The firing was at point blank range.

BADGE'S DEPOSITION

Urging the court to rely on the story narrated by Badge, Mr Daphtary submitted that the examination-in-chief of Badge alone ran into 23 pages. If Badge was not a party to the conspiracy he could not remember all the events. It was impossible to remember pages and pages which never existed, but if one was a party to it, it could be easily remembered. Furthermore, Mr Daphtary added, Badge gave his evidence clearly and confidently.

As regards the corroboration of Badge's evidence, there had been cases in which approver's

evidence was accepted without corroboration, Mr Daphtary pointed out. But in the present case corroboration was there. Whether that corroboration was sufficient or not the court had to assess the value of the approver's deposition.

Mr. Daphtary then referred to the evidence of Miss Shanta Modak and said that she had stated that she had dropped Nathuram Godse and Apte in front of Savarkar Sadan and had seen them proceeding towards Savarkar Sadan.

Then, Mehar Singh, the forest guard, had identified Gopal Godse as the person with whom he had a talk in the jungle behind Hindu Mahasabha Bhavan on January 20.

Surjit Singh, a taxi driver, had deposed that on January 20, at about 4-15 p.m. he had taken in his taxi four persons from the taxi stand in front of the Regal Cinema to the Birla House. He had identified Badge, Shankar, Apte and Gopal as those persons who had travelled in his taxi. Surjit Singh had further stated that Apte had directed him to park the taxi at a particular place. Surjit Singh had also stated that the person who sat in the front seat did not come in his taxi on the return journey, but another person (pointing towards Nathuram Godse) had come in his place. He had also stated that after the explosion the occupants of his taxi came to him and had told him "start the car, start the car."

Dixit Maharaj had stated that Godse, Apte, and Badge came to see him on the morning of January 15, and asked his servant Narain to bring out the bag which was left by them on the previous day. The bag was brought out and the explosives were taken out of it. Dixit Maharaj had also stated that there was a demand from Apte and Godse for a revolver.

Itapa Kotian, a taxi driver of Bombay, had deposed that he had taken in his taxi Apte, Godse and Badge to various places from 7-15 a m to 1-30 p m on January 17. According to Itapa Kotian, he took them to Afzalpurkar, Kale and Patankar. Those three persons had appeared as witnesses and had admitted that Apte, Godse and Badge did visit them on January 17. Afzalpurkar and Kale had further stated that they had paid Rs 100 and Rs 1,000 respectively to them.

Dada Maharaj had corroborated Badge regarding the flight of Apte and Godse on January 17 from Bombay to Delhi. Dada Maharaj had also said in his evidence that when he proceeded to Pandharpur, a man came from Apte and told him that Apte wanted to see him on his way back at Poona. The man sent by Apte, Mr Daphary added, presumably was Karkare. Dada Maharaj had also had a conversation with Godse and Apte in which Dada Maharaj had said that they were merely talking and doing nothing. Apte had

replied that Dada Maharaj would know when something was done. If, what they had in mind was a peaceful and innocent demonstration to be staged at the prayer-meeting of Mahatma Gandhi, Mr Daphtary observed, that was not something which was to be shown to Dada Maharaj. Their association with Dada Maharaj was regarding the blowing up of trains, supplying of 808 explosives and such material which would induce in Dada Maharaj a reasonable anticipation of something very grand being done.

Amchekar had travelled with Karkare and Madanlal from Bombay to Delhi. They all alighted at the Delhi on January 17 and stayed together in the Sharif Hotel. Amchekar had said in his evidence that when he came to his room in the Sharif Hindu Hotel on January 19, he had found Karkare and Madanlal with another person. Madanlal was sitting on a cot and Karkare and the other person were talking to each other.

Sulochana Devi had seen Madanlal placing a bomb at the prayer-meeting on January 20 and setting it alight. The witness had also identified Badge, Nathuram Godse and Apte, who were present in the Birla House that day.

Bhur Singh, a watchman of the Birla House, had identified Nathuram Godse, Apte, Karkare, Madanlal, Gopal Godse and Badge whom he had seen at the Birla House before the explosion of the gun-

cotton slab on January 20 Bhur Singh had also testified the recovery of a hand-grenade and the coat from Madanlal who had denied that the coat belonged to him

Sardar Dasondha Singh, the Inspector of Police, and Mr. Sawhny, the Magistrate, have also deposed that the coat on exhibit was being worn by Madanlal at the time of his arrest on January 20 The trousers corresponding to this coat were found from the trunk of Apte Dabke, a tailor of Poona, has testified that he knew Apte for the last six or seven years He had also testified that he had stitched both the trousers and the coat for Apte

Chamanlal Grover had testified the recovery of certain articles from the jungle behind the Hindu Mahasabha Bhavan Shanker had pointed out in the jungle on February 11 in the presence of Grover, among other things two hand-grenades which Mr Daphtary said, had been taken to the prayer-ground on January 20 by Badge and Shanker There was a cross mark with a red pencil on these hand grenades, which were identified by Badge

Godbole and Kale had said that Gopal Godse had given a revolver somewhere about January 22-23 to Godbole Godbole had kept it with him till January 30 and then had given it to Kale for disposal. That was one of the revolvers which

had been brought to Delhi on January 20 and taken back.

Mr. Daphtary then referred to the evidence of the witnesses from the Sharif Hotel and said that they had testified the stay of Madanlal and Karkare in the Sharif Hotel from January 17 to January 19. They had further stated that they had also seen Gopal Godse with Karkare and Madanlal in the hotel.

Dealing with the evidence of the witnesses from Marina Hotel, Mr. Daphtary quoted the evidence of Ramchand, a receptionist of the Marina Hotel, and said that he had stated that Apte and Nathuram Godse had stayed in room No. 40 of Marina Hotel from January 20 under the assumed names of "S. Deshpande" and "M. Deshpande." Nain Singh, a bearer of Marina Hotel, had stated that on January 20, at about tea time first he had served tea to the two occupants of room No. 40 and then he was asked to serve three extra teas. Five teas in all were served. Then according to Kale-ram, Nathuram Godse did not ask even for the clothes which had been given for washing purposes while leaving the hotel on January 20. Another bearer of Marina Hotel had served whisky to Karkare in room No. 40. According to the co-manager of Marina Hotel, Madanlal led a police party to room No. 40 of Marina Hotel on January 20 and had told the police that his friends had been staying there.

Om Prakash of Frontier Hotel, Delhi had stated that "Rajagopalan" whom he later identified as Gopal Godse, and "G Joshi" whom he identified as Karkare, had stayed in the Frontier Hotel on January 20. Similarly from the evidence of Sundarilal, Harikrishnan and Janu Jyoti it was established that Apte, Godse and Karkare were in Delhi, on January 29 and January 30. There was evidence that Apte, Godse and Karkare were together upto January 25

PROF JAIN'S EVIDENCE.

Referring to the importance of the evidence of Prof Jagdish Chandra Jain, Mr. Daphtary said that Prof Jain was a respectable man of high academic qualifications. This evidence is independent of Badge's deposition and is corroborated by the evidence of Mr Angad Singh and Mr Morarji Desai

Referring to Prof. Jain's statement that Madanlal had told him about their conspiracy to murder Mahatma Gandhi, Mr Daphtary said that Madanlal had suffered a great deal in Pakistan, which had made him reckless. Apparently that mentality had been exploited by others who found him readily willing to join them in their errand.

As to why Madanlal had told Prof Jain about the conspiracy, Mr Daphtary said that Madanlal was of such a temperament that before

embarking upon the mission he would have liked to tell Prof. Jain that they were going on such a mission. He might have told him about the plot in order to boast of himself. Dealing with the suggestion that Prof. Jain had fabricated the story about the conspiracy after reading the paper of January 21, so that he might be involved in the case, Mr. Daphtary said that in no paper of January 21 it was reported that there was a conspiracy to kill Mahatma Gandhi. Similarly the suggestion made by the accused that Prof. Jain had concocted the story about the conspiracy to murder Mahatma Gandhi as he apprehended that he might be involved in the case, had no basis. Prof. Jain was a respectable man. He was not dealing in arms and ammunition. Why should he have apprehended that he might be involved in the case? One could imagine in the case of Dada Maharaj and Dixit Maharaj who were actually dealing in arms and ammunition but nobody could believe in the case of Prof. Jain, who was a man of high academic qualifications. On the other hand, Madanlal's action in telling Prof. Jain about the plot was quite natural. Madanlal must have thought that as he was going to do something "glorious" he might tell about it to Prof. Jain. Hence there was no reason the court should not believe Prof. Jain.

Prof. Jain had said in his statement that he did not take story of Madanlal seriously. He

tried to inform Jayaprakash Narayan about the conspiracy so that he might pass on the information to the authorities in Delhi. But unfortunately he could not see him. But as soon as he read the news of the explosion of bomb in the papers, he decided to contact Sardar Vallabhbhai Patel. When he could not get him, he met the Premier and the Home Minister of Bombay, and he told them everything whatever he was told by Madanlal. Under these circumstances, Prof. Jain's statement must be considered as systematic and believable.

During the cross examination Prof. Jain had said that he had not told the Magistrate about the assault on Rao Sahab Patwardhan by Madanlal. He had also not told the Magistrate that Savarkar had sent for Madanlal, had a two-hour talk with him and had asked him to carry on. All these things, Mr. Daphtary said, were not considered necessary because the substance of the statement that was really confined to the material thing, the existence of a conspiracy, was told to the Magistrate. He had told the Magistrate only the important portion of Madanlal's statement.

Prof. Jain had stated that he had told Angad Singh what Madanlal had told him (Prof. Jain) the next day after Madanlal had spoken to him. In so far as the statement of Angad Singh supported that of Prof. Jain's, Mr. Daphtary submitted, was corroboration. Then according to Mr. Morarji

Desai, Home Minister, Bombay, Prof. Jain had told him about the conspiracy hatched by Madanlal and others to murder Mahatma Gandhi on January 21. Mr. Daphtary said that the evidence of all the three witnesses—Prof. Jain, Angad Singh and Mr. Morarji Desai—established that a conspiracy to murder Mahatma Gandhi did exist prior to the time when Madanlal had a conversation with Prof. Jain

EVIDENCES AGAINST THE ACCUSED

Taking up first the evidence against Nathuram Godse, Mr. Daphtary said that Nathuram Godse was not only guilty of the murder, but he was also guilty of a conspiracy with others to murder Mahatma Gandhi. The incidents of January 20—bomb explosion—and January 30—assassination of Mahatma Gandhi, Mr. Daphtary said, were connected and were part of the same transaction

From the statement of Nathuram Godse, it was quite clear that he had assumed to himself the right of an execution, the right to take away the life of a person because in his opinion he was not doing a good thing. It was a political murder. No human being had the right to murder any one.

Mr. Daphtary submitted that all deeds of Gandhiji had occurred well before January 20.

The promise of the payment of Rs 55 crores to Pakistan was made before January 20. Hence there was no grave and sudden provocation which led Nathuram Godse to murder Mahatma Gandhi

It appeared from his statement, Mr Daphtary said, that it was a calculated murder. It further appeared that he committed the murder of Mahatma Gandhi deliberately

Dealing with Apte, who was at the back of the conspiracy, Mr Daphtary said that Apte had stated that they wanted to stage a demonstration at the prayer-meeting on January 20, and that when he reached the prayer ground the microphone was not working and therefore, it was not possible to stage a demonstration on the day he wanted. He had arranged with some people to bring refugee volunteers, but they did not turn up and therefore, he had decided to drop the idea of a demonstration. Mr Daphtary said that Apte should have produced evidence to substantiate his plea.

Apte said that he was in Bombay on January 31 and had actually telephoned to a particular person and had consulted Mr. Jamnadas Mehta. If that were so, Mr Daphtary said he could have asked them to give evidence. This was an instance where a person could have been called but this was not done and the court could very well draw an inference.

Dealing with the plea of alibi put forward by Apte, Mr Daphtary submitted that the Prosecution had led evidence which showed that Apte was in Delhi on January 29 and 30. But, Apte in his statement had alleged that he was in Bombay on January 30 and 31. It was well-known, Mr. Daphtary said, that when a specific alibi was put forward the burden of proving that plea lay on the accused

Mr. Daphtary then dealt with the two letters said to have been sent by Nathuram Godse along with his photo from Delhi on January 30 to Apte, one addressed to the Hindu Rashtra office and the other to his house. It was mentioned in Godse's letter that he had sent the letter and the photo to others also. It was also alleged that the letter and the photo sent to others had been seized by the police. No one, Mr Daphtary said, had been produced in the court either to bring forward the letter and the photo or to say that any one received a letter and a photo from Nathuram Godse and that it had been taken away by the police. If Apte had thought that the letter was of some importance there was no reason why he should not have kept it to himself.

Referring to Nathuram Godse's photo, Mr. Daphtary said that the police photographer had said in cross-examination that the photo appeared to have been taken by a street photographer two

or three years ago, whereas Nathuram Godse had stated that the photo was taken some time in January, 1948. If the photographer's evidence was correct, then it completely exposed the evidence relating to the letter and the photo. Referring to the letter, Mr Daphtary said that he would not admit that the post mark on the envelope was January 30. The letter, he added, was written by someone with the intention of creating a story which had been put forward.

Dealing with the evidences against Karkare, Mr Daphtary referred to a letter said to have been written by Karkare to Badge on May 20, 1947 and said that Karkare in his letter had asked Badge to send some "books" and also asked him to charge Rs 150 for each "book". Badge in his evidence, Mr. Daphtary pointed out, had stated that the "books" actually referred to hand-grenades. Mr Daphtary submitted that the letter supported Badge on the point that Badge and Karkare were known to each other. The handwriting expert had testified that this letter was in the handwriting of Karkare.

Mr Daphtary then referred to the recovery of a number of railway tickets from Apte and Karkare at the time of their arrests in Bombay and said that the suggestion was made by Apte and Karkare that they had moved in local trains on January 30 and 31 to see their friends. As

regards the railway tickets, the Prosecution led evidence to show that those tickets were collected by them.

Mr Daphtary then discussed the case against Madanlal and said that Madanlal had admitted his presence in Delhi on January 20 and he had also admitted having exploded the gun cotton-slab. To avoid his part in the conspiracy, Madanlal had further said that, after getting arms and ammunition, he decided to explode one gun cotton-slab at Gandhiji's prayer ground and thus courted arrest. He made a plea that he would then be able to see Gandhiji and inform him of the sufferings of the Hindu refugees. It was sheer absurdity to presume that a man would volunteer to court arrest after exploding such a dangerous thing. If he was really serious about meeting Gandhiji, he could have made a demonstration and shouted some slogans as he did on a previous occasion, "I am sure in that case" Mr. Daphtary added. "Mahatma Gandhi would have given him a better hearing."

Dealing with the case against Shanker, Mr. Daphtary submitted that Shanker had admitted his presence in Delhi on January 19 and 20. He had further admitted having met the other accused in the Marina Hotel in the afternoon of January 20 and also having gone to the Birla House in the evening. The only part which he did not

admit was that Badge had told him the object of their going to the Birla House. Mr. Daphtary submitted that Shanker had practically corroborated Badge. The presence of Shanker at Marina Hotel, Mr. Daphtary said, at the time of the distribution of arms and ammunition, his presence in the jungle behind the Hindu Mahasabha Bhavan and his visit to the Birla House clearly indicated that he did know the object.

Mr. Daphtary then referred to the case against Gopal Godse and said that Gopal had put up the story that he was not in Delhi on January 19 and 20 but that he was in his village, Uksan. No evidence, Mr. Daphtary pointed out, had been tabled by him to prove his presence there.

Referring to the case against Savarkar, Mr. Daphtary said that there was evidence to show that Godse and Apte went to Savarkar Sadan some time in the evening of January 14. Later Apte, Godse and Badge visited Savarkar Sadan, carrying a bag with them, which contained arms and explosives. Then there was the evidence of Prof. Jain that Savarkar had patted Madanlal on his back on hearing his exploits at Ahmednagar. There was further evidence that on January 15 Apte had told Badge and others that Savarkar had decided that Mahatma Gandhi, Pandit Nehru and Suhrawardy should be finished off and that he had entrusted this work to them. On January 17 Nathuram Godse had suggested

that they should go to have the last *darshan* of Tatyarao Savarkar. There was also evidence that on January 17 when Nathuram Godse, Apte and Badge came out of Savarkar Sadan, Savarkar saw them off and remarked, "be successful" While coming from Savarkar's house in a taxi, Apte had said that Tatyarao Savarkar had predicted that Gandhiji's 100 years were over. The Prosecution had also led evidence to the effect that a personal telephone call had been booked from the Hindu Mahasabha Bhavan, Delhi in favour of the secretary of Savarkar. A number of letters which were seized by the police from the house of Savarkar also established his association with Apte and Godse.

Mr. Daphtary submitted that Dr. Parchure in his confession had said that two persons came to him at Gwalior on January 27 and told him that they were going to Delhi for committing a murder and that they asked for a revolver for that purpose. It was clear admission of the offence of having contacted Apte and Godse and hence it established his part as a conspirator. The evidence of Madhukar Kale and Khire bore out the fact that Nathuram Godse and Apte did go to Gwalior on January 27 to procure a revolver. Resuming his point relating to the nationality of Dr. Parchure, Mr. Daphtary submitted that there was evidence on record

to show that Sadashiv Gopal Parchure, father of Dr. Parchure, was born and educated in Poona. He of course, served in Gwalior State. As Sadashiv Gopal Parchure was born in Poona, he was a British subject and hence his son, Dr. Parchure, though born in Gwalior state, was also a British subject.

ARGUMENTS OF DEFENCE COUNSELLS

Arguments for the defence in the Gandhi Murder Case were opened by Mr K. H. Mengle, Counsel for D Apte. Mr. Mengle pointed out that in the case of the prosecution the burden of proof was "to prove the case beyond a reasonable doubt", but in the case of the accused he was not called upon to prove beyond a reasonable doubt. It was sufficient if the accused proved a "prima facie" case. If the Court was satisfied from the examination of the accused, and upon the review of all the evidence that there was a reasonable doubt, the accused was entitled to an acquittal. Mr. Mengle added that in a criminal case it was not necessary for the accused to adduce independent evidence.

Explaining why Godse and Apte travelled under assumed names, Mr. Mengle said that Apte had stated that the seats were actually reserved by two other persons but they cancelled their visit to Delhi and sold their tickets to Apte.

(The Court interrupting asked Mr. Mengle that if those two persons who had reserved seats were

available, the Defence could have produced them in the court).

The Prosecution had asked why Nathuram Godse and Apte went to Gwalior to get volunteers. The answer was, the Defence Counsel said, that it was difficult to get volunteers in Bombay and Poona so they went to Gwalior thinking that they could persuade Dr Parchure to lend them some volunteers. The Prosecution Counsel had stated that it was absurd to say that they went to Gwalior to get volunteers. If that was so, Mr Mengle said, it was more absurd to say that they went to Gwalior to get a pistol. Apte had stated that there was no difficulty in procuring a revolver in Bombay.

Referring to the plea of alibi put forward by Apte, Mr Mengle submitted that it was not necessary for the Defence to produce witnesses to prove his presence in Bombay on January 30 and 31. There was sufficient material on record to show that he was in Bombay on January 30 and 31. In this connection Mr. Mengle referred to the railway tickets and two telegraph receipts and one letter which were received from Apte at the time of his arrest on February 14. Mr. Mengle submitted that the telegram was sent by Miss Salvi in the presence of Apte.

(The Judge observed that the possession of the receipt only showed that a telegram was sent and

it would not prove the presence of Apte at the Grant Road telegraph office, for which Miss Salvi should be produced).

Referring to the letter purported to have been written by Nathuram Godse from Delhi on January 30 to Apte in Poona, Mr. Mengle submitted that had Apte been with Nathuram Godse in Delhi on January 30, there would have been no necessity for Godse to write this letter to Apte.

(At this stage the Judge observed that according to the Defence, this letter was received and opened by Apte's brother. The Defence could very well produce him in the witness-box in order to enable the Court to test the truth of this letter. In the absence of that evidence there was a positive evidence of three prosecution witnesses who had deposed that Apte was at the Delhi main railway station on January 30. How could then the Court wipe out the evidence of these three witnesses merely on the statement of the Defence Counsel. It would be possible that Apte might have asked Nathuram Godse to post him such a letter so that he might not be entangled in the case. The letter did not prove that he was not in Delhi on January 30).

Referring to the pair of trousers which was said to have been recovered from the trunk of Apte in the C. I. D. office, Bombay on April 16, Mr.

Mengle submitted that the trousers had been planted by the police in order to create evidence

Reverting to the assignment of insurance policies by Nathuram Godse on January 14, Mr. Mengle said that as Nathuram Godse and Apte were going to stage a demonstration, Nathuram Godse might have thought it better to assign the policies in favour of Mrs. Gopal Godse and Mrs Apte so that if he was sent to prison, they should pay the premiums

Referring to the evidence of Badge, Mr Mengle submitted that while assessing the value of a witness, the first thing was to judge his character. The Prosecution Counsel of course had given him a very good certificate, but he would examine Badge's character from his point of view. His examination of Badge's character showed that he was a black-marketeer in gun-running, a liar, cunning and unscrupulous

Dealing with the evidence of Dada Maharaj, Mr Mengle submitted that the witness had said in his evidence that he employed Apte to murder Mr M A Jinnah and Mr Liaquat Ali Khan and that he wanted Apte to blow up an ammunition train going to Pakistan. In addition to instigating murder and sabotage, according to his evidence, he had collected arms and ammunition and distributed them to various people. If all his activities were known, he would be viewed with

suspicion by the authorities and so naturally he would be prepared to tell lies to save himself. Therefore, it would be dangerous to rely on him and believe his word.

Similarly, Dixit Maharaj, brother of Dada Maharaj, Mr. Mengle said, was dealing in arms with Badge. He used to procure weapons from him during the Hindu-Muslim riots. Even if the Court did not hold him an accomplice, his evidence did not corroborate Badge sufficiently.

Mr. H. R. Mehta, Counsel for Shankar, then argued his case. Mr. Mehta submitted that the position of his client was quite different. He was a servant of Badge (approver) and he carried out the instructions of his master. Shankar had admitted various incidents, including the visit to the Birla House on January 20. His position was that he was never told about the plan to kill Mahatma Gandhi.

There was evidence on record to show Mr. Mehta said, that wherever the accused went, they kept Shankar at some distance which showed that Shankar was not taken into confidence by Nathuram Godse and Apte. Mr. Mehta added that Shankar did not know what was going on, and he was like a perfect automaton. Shankar was engaged by Badge since September-October, 1946 and whatever arms and ammunition he carried, was done in the ordinary course of his duty. The fact

that the carrying of arms from one place to another was an offence would never have entered his mind. He was absolutely illiterate and was doing that work since the day of his employment. For every action, there must be some motive. In this case, the absence of any motive must always be taken in favour of the accused. The Prosecution had not alleged any motive and there could be no motive, either political or economic. Mr Mehta submitted that the Prosecution had failed to make out any case against him. If at all, the Court could find him guilty, it could do so for the offence under the Arms Act. In that case, his submission was that Shankar acted as a carrier only. This act should be taken into consideration.

Nathuram Godse, the alleged assassin of Mahatma Gandhi, arguing his own case submitted that he had already confessed in the court so far as the charge of murder of Mahatma Gandhi was concerned. Godse said he would, however, deny the charge of conspiracy and would like to argue it.

Referring to the assignment of his insurance policies, Godse submitted that the assignment of the policies was linked up with the conspiracy. According to Badge, this conspiracy dated back to November, 1946. If that had been the case, he would have assigned the policies long ago. Then there was no evidence on record to show

that he had made arrangements with regard to his other property.

Then, Miss Modak had stated that she had seen Apte and Godse going towards Savarkar Sadan, but that did not prove that they went to Savarkar Sadan. If she had gathered from their talks that Apte and he wanted to go to Savarkar Sadan, Godse said, they had also told her that they wanted to go to Shivaji Park. Badge had also stated that Apte and Godse went to Savarkar Sadan on the evening of January 14 with a bag. According to Badge, there were two watchmen at Savarkar Sadan. There were also Savarkar's secretary and his bodyguard, besides other tenants. None of them had been produced by the Prosecution to prove that Apte and he had been to Savarkar Sadan. Godse then referred to the evidence regarding the visit of Apte, Badge, Karkare and himself to Dixit Maharaj's house on January 15, and said that according to Badge, the only man who could have corroborated that fact was Dixit Maharaj's servant and he had not been produced in the court.

Godse submitted that to testify that they all met in the hotel on January 20 it was necessary for the Prosecution to bring some witnesses from Marina Hotel. The only evidence was that the occupants of room number 40 had ordered three extra teas on January 20. If there had been a conspiracy,

Godse pointed out how could they ask for extra tea and allow the bearer of the conspiracy? No them at the crucial stage of the conspiracy? No such thing as stated by Badge had taken place. The bearer of the hotel might have made a wrong entry in the bill.

Nathuram Godse said that some prosecution witnesses had stated that they had seen him at the Birla House on January 20. If so, they could have detected him and prevented him from shooting at point blank range at Gandhiji on January 30. So the only conclusion that could be drawn was that he was not present at the prayer ground on January 20 when the explosion took place.

Godse referred to Dada Maharaja's statement that while travelling with Apte and Godse from Bombay to Ahmedabad on January 17 by plane, Dada Maharaj had told them that they were talking a lot, but doing nothing. He had also stated that he refused to give them a pistol as he had no confidence in them. When he told them that they were doing nothing, he meant Godse said, that they had not till then killed Jinnah, and Liaquat Ali and had not blown up the Pakistan Constituent Assembly. "How could you rely on a man who himself wanted us to commit crimes?" It was but natural that in order to save his own skin he told a lie," added Godse.

The Court then called upon Mr. N. D. Dange, Counsel for Vishnu R. Karkare, to argue his case. He submitted that the burden of proof in a criminal case was always on the Prosecution. The accused were not bound to produce any witnesses whatsoever. The standards of law were that ten guilty men might escape punishment but not one innocent man should suffer at the hands of law.

Mr. Dange referred to a letter said to have been written by Karkare to Badge on May 29, 1947. Mr. Dange said that firstly this letter had been denied by Karkare and secondly, this letter was written on May 29, 1947, when according to Badge's own statement, he (Badge) was not dealing in arms and ammunition. The letter was also not recovered in any of the searches of Badge's house or person but it was produced to the police by the wife of Badge who was not examined as a witness.

The place from where this letter was written, Mr. Dange went on, was not mentioned in the letter. Had Karkare written this letter he would have given his place. Hence this letter was nothing but concocted and was of no use to the Prosecution so far as his client was concerned.

Mr. Dange then dealt with the evidence of Prof. J. C. Jain, Angad Singh and Mr. Morari Desai, and submitted that they contradicted each

other materially Furthermore, their evidence was hearsay and should not be admitted.

Mr Dange submitted that the recovery of a railway ticket from the person of Karkare clearly showed that he was in Bombay on January 31.

Mr P. R. Das, ex-Judge of the Patna High Court, then argued the case for V. D. Savarkar Mr Das said that there was no explanation why the seven determined men did not actually murder Mahatma Gandhi on the evening of January 20 when there was no suspicion and no security measures by the police as against those on January 30 He would contend that the prosecution evidence had been completely negatived by what actually happened None of the prosecution witnesses had deposed that there was a conspiracy to murder Mahatma Gandhi on January 30

According to the approver, when he returned to the Hindu Mahasabha Bhavan from the Birla House on the evening of January 20, he (approver) was very much angry, and when Apte came to see him, he (approver) asked him to clear out Apte went away

If there was any conspiracy it ended there There was no suggestion that there was a second conspiracy to murder Mahatma Gandhi on any subsequent day If there was any conspiracy at all, why was it not carried on January 20?

Mr. Das said that if the reference regarding the supply of arms to the congress workers in the Hyderabad State was remembered, much of the evidence of the approver would be explained. That was most essential. Badge had stated that Apte and Karkare had been to him in July-August, 1947 to buy arms and ammunition, and that Apte had wanted a sten-gun. That story was not corroborated and Apte and Karkare had denied it. But if the evidence of the approver was true, and if the court was going to accept it, Mr. Das pointed out, this "stuff" was required not to kill a frail old man, sitting at the prayer meeting and preaching non violence, but for Hyderabad. The approver had admitted that he used to supply arms to Hindus in Hyderabad.

Mr. Das submitted that the evidence of Dixit Maharaj was not of much importance. Apart from everything else, on his own admission, he was buying arms and ammunition from the approver. Criminal charges could easily have been brought against him, but he was still at liberty and the Bombay Government had taken no steps against him, but preferred to put him in the witness-box. His evidence should not be accepted by the court and in any case no value should be attached to his evidence.

Referring to the next incident, Mr. Das said that when they came out of the house of Dixit

Maharaj on January 15, according to Badge, Apte asked Badge if he was prepared to go to Delhi, as Savarkar had decided that Mahatma Gandhi, Jawaharlal Nehru and Subrawardy should be finished off and that he had entrusted that work to them

Mr Das characterised it as a strange story and said, how could it be possible to disclose the plan to kill Gandhiji and Jawaharlal Nehru to a person when they had no reason to believe that he would join them in the conspiracy ?

Referring to the evidence of Dr Jain, Mr Das said, Dr Jain was a respectable man and was undoubtedly a man who counted in the civic life of Bombay Madanlal, according to evidence, had told him that there was a party at Ahmednagar and that the members of that party had decided to kill Gandhiji

That story, Mr Das added was altogether unbelievable Madanlal had no reason to suppose that Dr Jain had any malice against Gandhiji nor had he any reason to suppose that Dr Jain would approve of that idea, but there was reason to suppose that if Dr Jain had not agreed with the conspiracy, which he said he was horrified to hear, there would be an end of the conspiracy if Dr Jain had discharged his duties as a citizen

Mr. Das said, Dr Jain had stated that he did not take seriously what Madanlal told him. That was

false. Dr Jain was sufficiently worried to tell Angad Singh. He had also told Mr. Jayaparaksh Narayan that there might be a conspiracy. The one person whom he had not contacted immediately was the Head of the police in Bombay.

When Dr Jain read the report in papers about the explosion of the bomb at the Birla House on January 20 and the arrest of Madanlal, he got frightened because he might have thought that the police was bound to find out his connection with Madanlal.

Continuing Mr. Das submitted that on January 21, when Prof. Jain told the story about the conspiracy to the Premier and the Home Minister of Bombay, they did not reduce it to writing. When Prof Jain heard the story from Madanlal, he also did not put it down in writing.

In spite of the fact that it was a very serious matter none of them thought it necessary to put it down in writing. The Home Minister, Mr. Morarji Desai, sent for Mr. Nagarwala, Deputy Commissioner of Police, Bombay, after hearing the story from Prof Jain, but Mr Nagarwala replied that he was too busy to come at that time, when the life of the Father of the Nation was in danger.

Mr. Nagarwala later met Mr. Desai at the Bombay railway station where he told him the story. Mr. Nagarwala also did not put it down

in writing Mr Das submitted that this showed that the conduct of the officer was very much callous.

(Judge “ Is that so of Mr Morarji Desai also ? ”

Mr Das “ Your Honour, if necessary I shall go to that extent also in the interest of my client Mr. Desai has to explain why did he not raise his little finger to protect the life of the Father of the Nation when he came to know about the conspiracy to murder him on January 21 ? ”

There was no first information report regarding the conspiracy When Prof Jain had told everything to Mr Morarji Desai, why was there no first information report ? The court should take this fact into consideration while assessing the guilt of the accused In the absence of first information report the Defence was at great disadvantage

It was also improbable that having disclosed the plot to murder Mahatma Gandhi on January 21, Prof. Jain's statement would not have been recorded by the police till February 17.

Mr. Das then referred to the evidence of Mr Morarji Desai, Home Minister, Bombay, and submitted that if Prof Jain had gone to the Home Minister as soon as Madanlal had told him, Mr. Morarji's evidence would have been admitted

But Prof. Jain waited till January 20 when the first outrage had taken place. Therefore, the condition laid down in Section 157 of the Indian Evidence Act was not fulfilled. Hence his evidence was inadmissible.

Arguing in defence of Savarkar whether he was a party to the conspiracy, Mr. Das submitted that there were only three items of evidence against Savarkar—first Apte's statement in the compound of Dixit Maharaj, then the visit to Savarkar Sadan on January 17 and finally Apte's statement in the taxi as to the prediction made by Savarkar.

One essential condition to be satisfied before Section Ten of the Evidence Act could be applied was that there must be a reasonable ground to believe that Savarkar was a conspirator. Secondly, for the evidence to be admissible, it was not enough if it was merely something said, done or written by any one of the conspirators but something said, done or written in reference to their common intention.

To apply the principle to the present case, before Apte's statement was used as evidence against Savarkar, there must be a reasonable ground for believing that Savarkar was a party to the conspiracy. Otherwise it was not admissible. The statement to be admissible against Savarkar must be a statement of Apte—not the statement of Savarkar through Apte—and that statement must

be a statement in reference to their common intention. But before the Court could make the statement of Apte admissible against Savarkar, the Court must be satisfied that there was a reasonable ground to believe that Savarkar was a conspirator.

Mr Das referred to the evidence of Prof Jain and submitted that there was no word of conspiracy in his statement. He only said that Savarkar had commended the exploits of Madanlal at Ahmednagar, which were the attack on Rao Saheb Patwardhan and the formation of volunteer corps and the collection of arms.

Then the Court called upon Mr Banerjee, Counsel for Madanlal, to argue his case. "The systematic way in which Prof Jain had narrated the sequence of events clearly showed that he (Prof Jain) was tutored. Madanlal would not have talked in the way Prof Jain had stated," said Mr. Banerjee.

It was quite possible that Madanlal might have talked about the formation of a volunteer corps but when it went from mouth to mouth it assumed the shape of a conspiracy. If there had been a talk of the plot for the life of Mahatma Gandhi, then all the three witnesses—Prof. Jain, Angad Singh and Mr. Morari Desai—would have tallied. But that was not the case. There was a clear-cut division.

“Assuming what Mr. Morarji Desai had said was correct, could it not be plausible that Prof. Jain in a frightened mood could have converted the volunteer corps into a party to kill Mahatma Gandhi?” asked Mr Banerjee. If Prof. Jain had reported to Mr. Desai or any police officer on January 11 or 12, this theory would have assumed a certain amount of credibility. But Prof. Jain did not report a word to the police till January 21, when actually a bomb had exploded, which showed that there was no talk of a conspiracy in his meeting with Madanlal on January 10 or 11.

Mr. Banerjee added that when Mr. Morarji Desai and Mr. Nagarwala heard the story of Prof. Jain, they did not take any action. “Was it not, therefore, reasonable to say,” Mr. Banerjee asked, “that Mr. Morarji Desai and Mr. Nagarwala took Prof. Jain’s story to be absurd and that was why they did not take any action?” When Mr. Desai told Mr. Nagarwala what he had heard from Prof. Jain, he should have given Prof. Jain’s name to him or Mr. Nagarwala should have asked for it.

Mr. Desai did not believe what Prof. Jain had told him and that was why he did not give Prof. Jain’s name to Mr. Nagarwala on January 21. Even though three or four days after the assassination of Mahatma Gandhi, Mr. Desai put

Mr. Nagarwala in touch with Prof. Jain, his (Prof. Jain's) statement was not recorded till February 17.

Referring to the facts of the case, Mr. Banerjee submitted that the essential ingredient for the Court was to find out the date when the conspiracy was hatched. Different dates had been given. Some dated back this conspiracy to November, 1947, some to December, 1947, and some to January, 1948. He would however, submit that the evidence on record showed that Madanlal was not in the conspiracy till January 9.

If the conspiracy was hatched at Ahmednagar, then there was evidence that Madanlal was not in Ahmednagar on January 9 or 10. If it was held that Madanlal was not in the conspiracy till January 9, then it would greatly affect Dr. Jain's evidence. Even if the court accepted the evidence of Dixit Maharaj, there was nothing in it which connected Madanlal with the conspiracy. According to Dixit Maharaj, when arms and ammunition were examined at his house on January 15 by Nathuram Godse, Apte and Badge, Madanlal remained sitting quiet. Had he been in the conspiracy he would not have been sitting quietly.

There was nothing on record to show that Madanlal was in the conspiracy upto January 19. Madanlal had been in Delhi from January 17. None

of the witnesses had said that Madanlal had visited Marina Hotel on January 17, 18 or 19. The only thing which connected him with Marina Hotel was his own action in pointing out room number 40 of Marina Hotel to the police after his arrest. The Court had already decided that law did not allow the statement of the accused to the police to come on record.

Referring to Madanlal's stay in Delhi from January 17 to 19, Mr. Bannerjee said that his behaviour in Delhi was not like that of a conspirator. Amchekar had practically remained with Madanlal throughout their stay at the Sharif Hotel. If Madanlal had come to Delhi with the express purpose of killing Gandhiji he would not have gone to see his relatives or attended a meeting addressed by Mr. Jayaprakash Narayan.

"The Court and the Defence were entitled to know from the Prosecution as to when the conspiracy started and when the accused joined that conspiracy. Was it not for the Prosecution to establish this?" asked Mr. Bannerjee. But the prosecution had failed to do so.

(Judge : "Is it absolutely essential for the Prosecution to establish as to on what date the conspiracy started?")

Bannerjee : "No. Your Honour, but it is essential for the Prosecution to show at what point the conspiracy started)."

Mr. Bannerjee said that Madanlal was interested in Hyderabad affairs and therefore, he might have gone to see the "stuff" for the purpose Mr. Bannerjee submitted that the story of January 9 "prima facie" proved that Madanlal was not a conspirator on January 9.

Mr. Bannerjee then referred to the recovery of a coat from Madanlal when he was arrested on January 20. The police, he said, did not put identification marks when it was recovered but did so only on April 16, after Apte's trousers supposed to correspond the coat was recovered. The recovery of the trousers was very suspicious and the putting of identification marks on the coat after about three months was equally suspicious.

Dealing with the law about the interrogation of accused, Mr. Bannerjee submitted that under the law, police could not interrogate an accused. The Police could only record a statement of an accused if he volunteered to do so, but could not induce him to make any statement.

The Judge then called upon Mr. P. L. Inamdar, Council for Gopal Godse and Dr. Parchure, to argue his case. Mr. Inamdar submitted that on January -1, Mr. Morarji Desai, Home Minister, Bombay, while giving information to Mr. Nagarkar, Deputy Commissioner of Police, Bombay, about the plot to murder Mahatma Gandhi did

not give the name of his informant, Prof. Jain, to Mr. Nagarwala. "If the name of Prof. Jain was not to be disclosed to Mr. Nagarwala, who was the custodian of law and order, then to whom was his name to be revealed?" asked Mr Inamdar. The natural inference, he said, was that Mr. Morarji Desai must not have received such a serious information as would have made him to move the machinery against the conspirators. The conduct of the authorities was really very suspicious in the matter.

According to the evidence on record, Mr. Inamdar added, Prof. Jain was contacted by Mr Nagarwala on February 4—after the assassination of Gandhiji— but his statement was not recorded till February 17. Instead of recording his statement first, the police recorded the statement of Mr Morarji Desai on February 13, when almost all the accused had been arrested, and much of the information had been collected. The police recorded the statement of Mr. Morarji Desai first in order to coerce Prof. Jain to give a statement according to their dictates. Hence what he told the police was not a correct statement of facts.

Regarding the search of Gopal Godse, Mr. Inamdar said that no search witnesses were called before proceeding to search Gopal Godse for the revolver. Gopal Godse was arrested at Uksan

and was taken to the nearest police station but no search of his person was made. From there, he was taken to Poona, but he was not searched there. From Poona he was taken to Bombay, but no regular search was made and a bag was said to have been recovered. No witnesses were called when the recovery of the bag was made.

Mr Inamdar said that Gopal Godse had applied for seven day's casual leave to the Motor Transport Spares Sub Depot of the Indian Army Ordinance Corps, Kirkee, where he was working as a temporary civilian assistant store keeper on January 15. He was told that he was to appear before a Board on January 16. He again applied for leave on January 17 and had given his address where he would stay during the period of his leave. Nobody from his office had appeared in the court to say that Gopal Godse had told a lie and that he was not to be found at the place where he said he would be during the period of leave. It was reasonable to suppose that Gopal Godse was at Uksan during the period of leave. He joined duty on January 26.

Dealing with the evidence of Ramlal Dutt and Shanti Prakash, managers of the Sharif Hotel, Delhi, Mr Inamdar submitted that those witnesses were produced by the Prosecution to prove that Gopal Godse had visited Sharif Hotel to see Madanlal and Karkare on January 19. "How could a

hotel manager remember a casual visitor to their hotel?" asked Mr. Inamdar.

It was alleged by the Prosecution that the pistol with which Mahatma Gandhi was assassinated belonged to Jagdish Goyal. No corroborative evidence had been produced to show that the pistol really belonged to Goyal. In those circumstances, Mr. Inamdar said, he was entitled to argue that the evidence that the pistol belonged to Goyal was unreliable.

Mr. Inamdar said that Kale had given evidence under police pressure and the pressure of the Gwalior Government.

Dealing with the confession of Dr. Parchure, Mr Inamdar said that in the present case, there were various circumstances in the prosecution evidence which entitled the court to draw the inference that the confession was not voluntary.

Discussing the motive, Mr. Inamdar submitted that there was nothing on record to show that Dr. Parchure had any motive in joining hands with his co accused to murder Mahatma Gandhi.

Mr. Inamdar questioned the jurisdiction of the court to try Dr. Parchure and submitted that Dr. Parchure was a subject of Gwalior State and hence the court had no jurisdiction on him. At the time Dr. Parchure was born, his father, Sadasiv Gopal Parchure, was for all intents and pur-

poses a Gwalior subject Furthermore, after attaining maturity Dr. Parchure owed allegiance to the Maharaja of Gwalior and was hence a subject of Gwalior.

JUDGMENT IN THE RED-FORT TRIAL

The judgment was delivered by Shri Atma Charan, I C S. in the Red Fort, Delhi on February 10, 1949. The following is an extract of the judgment.

(1)

EVIDENCE RE. THE ASSASSINATION PLOT NARRATED TO JAIN

The witnesses produced on behalf of the prosecution in regard to the assassination plot said to have been narrated to Dr. J. C. Jain by Madanlal K Pahwa on or about 12-1-1948, are Dr. J. C. Jain, Angad Singh and the Hon'ble Mr. Morarji Desai

The evidence of Dr. J C. Jain and the Hon'ble Mr Morarji Desai has already been mentioned earlier Angad Singh is a business man and has been knowing Dr J. C Jain for about two years Angad Singh in his evidence corroborates Dr. J. C. Jain in regard to what he himself heard from Madanlal K. Pahwa at the house of Dr. J C. Jain and what he heard subsequently from Dr J C Jain in respect of what

Madanlal K Pabwa had told about the assassination plot to Dr J. C Jain

Madanlal K. Pabwa is said to have made the statement in regard to the plot to Dr J. C. Jain on or about 12-1-1948. Dr. J. C Jain made the statement in regard to the plot before the Hon'ble Mr Morarji, Desai on 21-1-1948. The contention, as such on behalf of the defence is that 'a period of more than a week' could not be held to be 'at or about the time when the fact took place.' The contention on behalf of the defence appears to be altogether without weight for Section 157 of the Indian Evidence Act just imposes the condition that the former statement should have been made either (a) at or about the time when the fact took place or (b) before any authority legally competent to investigate the fact. The Hon'ble Mr. Morarji Desai is the Home Minister of the Bombay Government, and the Police, and the Crimes and the Investigation of crimes fall within his portfolio. His evidence goes to show that it was on the basis of what he had been told by Dr J. C. Jain that he had started the 'inquiry' in regard thereto. The evidence of the Hon'ble Mr Morarji Desai, in the circumstances, is certainly admissible under Section 157 of the Indian Evidence Act.

It has been contended on behalf of the defence that what Dr. J. C. Jain told the Hon'ble Mr

Morarji Desai in regard to the plot he had told just on the basis of what he had read in the newspapers on 21-1-1948. Neither the evidence of Dr. J. C. Jain nor that of the Hon'ble Mr. Morarji Desai support this contention on behalf of the defence. It is clear from the evidence of the Hon'ble Mr. Morarji Desai and that of Mr. J. D. Nagarwala that the 'inquiry' in regard to the 'plot' had been initially started by them on the basis of what Dr. J. C. Jain had told the Hon'ble Mr. Morarji Desai on 21-1-1948.

Dr. J. C. Jain is a highly educated person. He is a Ph. D. from the Bombay University, and is Professor of Ardhamagadhi and Hindi in the Ruia College at Bombay. The only point tried to be suggested on behalf of the defence as against him is that on coming to know of the name of Madanlal K. Pahwa in connection with the explosion incident at Delhi, he tried to win the favour of high Government officers by telling them a yarn in connection with Madanlal K. Pahwa so that he might not himself be arrested later along with Madanlal K. Pahwa. This appears to be a far-fetched suggestion on behalf of the defence.

A man of his simplicity could have foreseen no such thing. He had taken pity on Madanlal K. Pahwa as he was a refugee, and had just helped him monetarily. There is nothing whatsoever on

the record of the case to show that he had ever entered into any shady transaction with any one or with Madanlal K Pahwa. The frantic way in which he tried to approach the high Government officers one after the other clearly goes to show his keenness to report what had come to his knowledge rather than an attempt on his part to win their favour.

It has then been contended on behalf of the defence that at least an f.i.r. (first information report) in regard to the charge as preferred by Dr J C Jain should have been prepared by the police. No doubt, it would have been quite in accordance with the law if an f.i.r. in regard thereto had been prepared by the police. Mr J D. Nagarwala belongs to the Intelligence Branch of the CID and not to the City Police, Government at times do make a number of quasi-judicial inquiries through the police. Mr J D Nagarwala, it appears took the matter as one of such quasi-judicial inquiries.

Dr. J C Jain in his evidence has not been able to give the dates specifically in regard to the various events that took place in the first fortnight of January, 1948. His evidence is that Madanlal K Pahwa came to him at about the end of the first week of January 1948, when he introduced Vishnu R. Karkare to him as a 'seth' from Ahmednagar. Madanlal K Pahwa then came to him two or

three days later, when he narrated him the plot. Madanlal K. Pahwa then came to him a couple of days later, when he told him that he had accepted his advice. Madanlal K. Pahwa then came to him a day or two later, when he told him that he was leaving for Delhi.

Madanlal K. Pahwa admittedly left Bombay for Delhi on 15-1-1948. Madanlal K. Pahwa accordingly should have met Dr. J. C. Jain on or about 10-1-1948, when he introduced Vishnu R. Karkare to him as a 'seth' from Ahmednagar. Dr. J. C. Jain in his evidence says that by the words 'the end of the first week of a month' he means the 6th or the 7th of a month. The calendar for 1948 shows that 3-1-1948 and 10-1-1948 were Saturdays. Dr. J. C. Jain by the words 'at about the end of the first week of January, 1948,' in the circumstances, would have certainly meant about 10-1-1948 and not 6-7-1948.

There is thus no reason as to why implicit reliance be not placed on the evidence of Dr. J. C. Jain, Angad Singh and the Hon'ble Mr. Morarji Desai.

(2)

EVIDENCE RE . THE EFFORTS MADE TO COLLECT ARMS AND MONEY.

The witnesses as produced on behalf of the prosecution in regard to the efforts said to have been made to collect arms and money by Nathuram

V. Godse and Narayan D Apte are Digambar R. Badge, Dixitji Maharaj, Dada Maharaj, Charandas Meghji, Ganpatrao B. Afjulpurkar, Mahageo G. Kale and Aitappa K Kotian

Digambar R. Badge in his evidence says that during their visit to the house of Dixitji Maharaj on 15-1-1948 the contents of the bag were placed back in the bag in the presence of Dixitji Maharaj. He handed over the bag to Narayan D Apte Narayan D Apte handed over the bag to Vishnu R Karkare, and asked him to leave along with Madanlal K Pahwa for Delhi by the Frontier or the Punjab Mail Vishnu R Karkare handed over the bag to Madanlal K. Pahwa Vishnu R Karkare and Madanlal K. Pahwa then left the place and went away

Dixitji Maharaj in his evidence refers to no such incident though he admits the presence of Vishnu R. Karkare and Madanlal K Pahwa along with others at his house.

Digambar R. Badge in his evidence then says that after Vishnu R. Karkare and Madanlal K. Pahwa had gone away, Narayan D Apte told Dixitji Mahara that they were proceeding on some important mission and that he should give him a revolver or two Dixitji Maharaj said that he had no revolvers and that he had a pistol of his own which he could not give Narayan D Apte asked Dixitji Maharaj to do all what he could to obtain

a revolver for him. He, Nathuram V Godse and Narayan D Apte then left his house.

He and Narayan D. Apte then saw Dixitji Maharaj at about noon on 17-1-1948. Narayan D. Apte asked Dixitji Maharaj for a revolver. Dixitji Maharaj then showed a pistol to Narayan D. Apte and said that he would not hand over that pistol unless he received money for it. Narayan D. Apte said to Dixitji Maharaj that Dada Maharaj had promised a revolver to him and that, as such, he should hand over that revolver to him. Dixitji Maharaj, however, did not hand over the revolver. He and Narayan D. Apte left the house of Dixitji Maharaj. He then saw Dixitji Maharaj all alone on 18-1-1948, and showed him a revolver and asked him to pay him at least the price thereof.

Dixitji Maharaj in his evidence says that first of all Nathuram V Godse, Vishnu R. Karkare and Madanlal K. Pahwa left his room. He then asked Digambar R. Badge and Narayan D. Apte as to what was the object of their coming to his house and exhibiting those things in his room. They told him that they were going on an important mission and asked him for a revolver or a pistol. They, however, did not tell him as to what that important mission was.

As they started to leave his room he asked Digambar R. Badge to stay on. Digambar R. Badge then told him that he would come back

to him after some time. Digambar R. Badge then came back to him a few minutes later, and told him that he would tell him that evening on what mission they were proceeding. Digambar R. Badge then saw him that evening or the next morning or there might have been a difference of a day or two between the two visits and showed him a revolver, and asked him to pay him at least the price thereof.

Digambar R. Badge told him that they had collected arms and ammunition worth about Rs 30—40,000 and that they were proceeding to Kashmir to use those 'things' against the raiders and do the sabotage. He told Digambar R. Badge that he could not help them. He then saw Narayan D. Apte along with Nathuram V. Godse on the morning of 26-1-1948. He had already come to know by then that they had proceeded to Kashmir. He accordingly asked them as to how they had managed to come back from Kashmir so soon. They told him that they had purchased arms and ammunition worth Rs. 30—40,000 for sending to Kashmir. They had despatched half of the 'stuff' beyond Delhi and had come back to arrange for the despatch of the remaining half. They asked him for a revolver, and said that it would be unsafe to travel without one beyond Delhi. He told them that he could not help them in the matter. They then insisted that he must do

something in getting a revolver procured for them by the evening and told him that Dada Maharaj had promised a revolver to them. Narayan D. Apte then showed him a revolver and said that they wanted one more.

There are thus two main contradictions in the evidence of Digambar R. Badge and that of Dixitji Maharaj. No doubt, the evidence of Dixitji Maharaj in regard to sequence of events is a little confused. This is clear from the fact that he has not been able to give specific dates in regard to any incident. He fixed time in regard to a particular incident by giving the number of days that had elapsed in connection with some other incident. The reason for this appears to be that he was unwell at the time and had been confined to bed for about a fortnight. On the main issue and the main points, however, Dixitji Maharaj materially corroborates Digambar R. Badge.

ber of months and had been passing them on for purposes of the affairs of the Hyderabad State Congress. The contention, as such, on behalf of the defence is that no reliance should be placed on their evidence as their evidence does not amount to more than that of an 'accomplice'. There is nothing whatsoever on the record of the case to justify the inference that they had had any hand in regard to the offence or offences connected with the murder of Mahatma Gandhi.

Nathuram V. Godse in his statement says that Dityi Maharaj and Dada Maharaj gave evidence against him because they did not appreciate the assassination of Mahatma Gandhi. A person who was connected with some other offence or offences and not with the offence or offences under inquiry or trial could not be held to be an 'accomplice' in regard to the offence or offences under inquiry or trial. No doubt, Dityi Maharaj and Dada Maharaj admittedly had been dealing in arms, ammunition and explosives in connection with the affairs of the Hyderabad State. This fact, in my opinion, goes to strengthen the prosecution version of the story that Nathuram V. Godse and Narayan D. Apte did visit Dityi Maharaj and Dada Maharaj with a view to obtaining a pistol or a revolver from them. If they wanted a pistol or a revolver they could not have gone to a person who was above board in all respects with

a view to obtaining a pistol or a revolver from him.

Charandas Meghji in his evidence says that at about 8-80 a.m. on 17-1-1948 Digambar R. Badge along with two persons came to his house. Digambar R. Badge introduced them as 'Godse' and 'Apte' of the Hindu Rashttra. Narayan D. Apte then started a conversation with him in regard to the activities of the Hyderabad State Congress, and told him that he would hear about a miracle within about eight days. He further told him that they had planned everything and wanted some monetary help for the purpose. Narayan D. Apte asked him for a sum of Rs. 5,000. He asked him to come that day a little later.

The same day when he came down after lunch he found Narayan D. Apte waiting for him. He told him that he had no money at the time. Narayan D. Apte asked him if he could pay him a loan of Rs. 5,000. He told him that it was not the practice of his factory to advance loans. Narayan D. Apte then implored him for at least some money. He then paid a sum of Rs. 1,000 as donation to Narayan D. Apte.

Nathuram V. Godse and Narayan D. Apte in their statements admit having visited Charandas Meghji. They deny having asked for or having collected any money from Charandas Meghji.

There appears to be no reason to suppose that Nathuram V. Godse and Narayan D. Apte would have visited Charandas Meghji on more than one occasion for a purpose other than the purpose for which they had visited the various places that day

It has already been mentioned earlier that Nathuram V. Godse and Narayan D. Apte in their statements admit having collected a sum of Rs. 100 towards the affairs of the Hyderabad State Congress and a sum of Rs. 1,000 from Mahadeo G. Kale towards the Hindu Rashtra Prakashan Ltd. on 17-1-1948

Aitappa K. Kotian is the driver of the taxi in which the various visits are said to have been made by Nathuram V. Godse and Narayan D. Apte along with Digambar R. Badge and Shankar Kistayya on 17-1-1948. Nathuram V. Godse and Narayan D. Apte in their statements admit having visited along with Digambar R. Badge various places in a taxi to collect money on 17-1-1948. They do not specifically say that it was not the taxi of Aitappa K. Kotian in which they had so gone from place to place to collect money. They just say that they do not remember the number of the taxi or the face of the taxi-driver

Aitappa K. Kotian correctly picked up Nathuram V. Godse, Narayan D. Apte, Shankar Kistayya

and Digambar R. Badge in the identification proceedings and made no mistakes.

There is thus no reason as to why implicit reliance be not placed on the evidence of Digambar R. Badge, Dixitji Maharaj, Dada Maharaj and Charandas Meghji. The evidence of Ganpatrao B. Afjalpurkar and Mahadeo G. Kale is not in dispute, and stands admitted by Nathuram V. Godse and Narayan D. Apte.

(3)

WHAT TOOK PLACE IN DELHI TILL
23-1-1948

The prosecution have filed in the bill book, the carbon duplicates of the credit vouchers and the day sheets of Marina Hotel. The perusal of these documents goes to show that one peg of whisky was supplied on 17-1-1948, two pegs of whisky were supplied on 18-1-1948 and three extra teas were supplied on 20-1-1948 to the occupants of room No 40, i.e., Nathuram V. Godse and Narayan D Apte.

Govindram is a bearer at Marina Hotel. His evidence is to the effect that three days before the explosion incident he had seen Vishnu R. Karkare, Gopal V. Godse and Digambar R. Badge in the room of Nathuram V Godse and Narayan D. Apte and that he had supplied in that room one peg of whisky that day and two pegs of whisky the

next day, which were consumed by Vishnu R Karkare. Martin Thaddeus is a clerk at the Marina Hotel. His evidence is to the effect that during the period in question Vishnu R Karkare had once come to the hotel to see Nathuram V. Godse. Nain Singh is the head bearer at Marina Hotel. His evidence is to the effect that during the period in question Vishnu R Karkare and Shankar Kistayya had once taken tea in room No 40. He had served three extra teas that day in room No 40.

Gopal V Godse was at Kirkee (Poona), and took leave from his office from 17-1-1948 till 23-1-1948. He could not accordingly have reached Delhi before the morning of 18-1-1948 unless he came by plane from Bombay to Delhi. This is clear from the G I P time-table in force then. There is nothing on the record of the case to suggest that he came by plane from Bombay to Delhi.

Digambar R Badge along with Shankar Kistayya reached Delhi in the evening of 19-1-1948. Gopal V Godse and Digambar R Badge, in the circumstances, could not have been seen by Govindram three days before the explosion incident in the room of Nathuram V. Godse and Narayan D Apte. Vishnu R. Karkare reached Delhi at about noon on 17-1-1948. He could accordingly have been seen by Govindram three

days before the explosion incident in the room of Nathuram V. Godse and Narayan D. Apte.

No doubt, Govindram appears to be a bit confused in regard to the date when he says he saw Gopal V. Godse and Digambar R. Badge along with Nathuram V. Godse and Narayan D. Apte in Marina Hotel. On this basis alone his evidence could not possibly be discarded altogether.

The evidence of Govindram then is challenged on behalf of the defence on the ground that his statement was recorded about two months after the explosion incident by the police. The police had to examine a large number of witnesses in the case. The witnesses belonged to different provinces and different States, and their examination could not have possibly been concluded by the police within a few weeks. The delay of about two months in examining Govindram, in the circumstances, does not appear to be of much consequence.

Govindram correctly picked up Vishnu R. Karkare, Gopal V. Godse and Digambar R. Badge in the identification proceedings and made no mistakes. Martin Thaddeus also correctly picked up Vishnu R. Karkare in the identification proceedings and made no mistakes. Nain Singh correctly picked up Vishnu R. Karkare and Shankar Kistayya, and made just one mistake.

There is thus no reason as to why implicit reliance should not be placed on the evidence of Nain Singh, Govindram and Martin Thaddeus. The evidence of these witnesses already goes to establish the association of Nathuram V Godse, Narayan D Apte Vishnu R Karkare, Gopal V Godse and Digambar R Badge during the period at the Marina Hotel

Ramlal Dutt and Shanti Prakash are partners in Sharif Hotel at Delhi. The sum total of their evidence is to the effect that Vishnu R Karkare, Madanal K Pahwa and Shantaram A Amchekar came and stayed in their hotel from 17-1-1948 till 19-1-1948. Vishnu R Karkare stayed under the assumed name of 'B. M. Bias'. Ramlal Dutt in his evidence says that on 19-1-1948 Gopal V Godse came inquiring as to in what room Madanal K Pahwa was staying. He had him sent to his room. Shanti Prakash in his evidence says that on 19-1-1948 Vishnu R Karkare came to the office along with Gopal V Godse, and told him that he would be leaving his room a little later. He was allowed to do so on payment of some extra charge.

Shantaram A Amchekar admittedly was putting up during the period with Vishnu R Karkare and Madanal K. Pahwa in the same room in Sharif Hotel. His evidence is to the effect that he is a refugee and had come to Delhi to get his

name registered at the transfer bureau. He proceeded to the transfer bureau on 19-1-1948. On his return from there he found Gopal V. Godse sitting with Vishnu R. Karkare and Madanlal K. Pahwa in their room

The evidence of Ramlal Dutt and Shanti Prakash is challenged on behalf of the defence on the ground that Ramlal Dut says that it was Madanlal K. Pahwa who had come for the extension of time, while Shanti Prakash says that it was Vishnu R. Karkare who had come for the extension of time. It is just possible that for the extension of time these two persons might have come just one after the other or both together. The discrepancy, if at all, is a minor one and, in my opinion, not of much consequence.

The evidence of Shantaram A. Amchekar then is challenged on behalf of the defence on the ground that his statement was recorded about six weeks after the explosion incident by the police. The name of Shantaram A Amchekar as put down in the visitors' register was read as 'Amcha-ri' There was accordingly some delay in getting him traced. He was traced at Sawant-wadi on 4-3-1948. He came to Bombay on 8-3-1948, and his statement was recorded the same day by Mr. J. D. Nagarwala. The delay of about six weeks in examining Shantaram A. Amchekar, in the circumstances, does not appear to be of much consequence.

Ramlal Dutt, Shanti Prakash and Shantaram A. Amchekar correctly picked up Gopal V. Godse in the identification proceedings and made no mistakes

There is thus no reason as to why implicit reliance should not be placed on the evidence of Ramlal Dutt, Shanti Prakash and Shantaram A. Amchekar. The evidence of these witnesses clearly goes to establish the association of Vishnu R. Karkare, Madanlal K. Pahwa and Gopal V. Godse at the time at the Sharif Hotel

Mehar Singh is a forest guard under the Central Public Works Department at New Delhi. His evidence is to the effect that on the day of the explosion incident at about 11.00 a.m. along with two other forest guards he was on a beat. He came across Narayan D. Apte, Shankar Kistayya, Gopal V. Godse and Digambar R. Badge at a distance of about three furlongs behind the Hindu Mahasabha Bhawan. He asked them why they were walking there. They replied that they were tourists and were strolling about.

Mehar Singh picked up Narayan D. Apte, Shankar Kistayya, Gopal V. Godse and Digambar R. Badge in the identification proceedings and made no mistakes.

There is thus no reason as to why implicit reliance should not be placed on the evidence of Mehar Singh. The evidence of the witness goes

to establish the association of Narayan D. Apte, Shankar Kistayya, Gopal V. Godse and Digambar R. Badge at the time in the jungle behind the Hindu Mahasabha Bhawan.

Surjit Singh is a taxi driver. His evidence is to the effect that on 20-1-1948, at about 4.4-15 p.m. he was waiting at the taxi-stand near Regal Cinema. He picked up four persons from there. They were Narayan D. Apte, Shankar Kistayya, Gopal V. Godse and Digambar R. Badge. He took those persons first near the Birla Mandir. The persons got down from the taxi there. They then came back, and he was asked to take the taxi to the back of Birla House by Narayan D. Apte. Digambar R. Badge was occupying the front seat and the other three persons the back seat.

The passengers got down there and proceeded towards the servants-quarters of Birla House. They met two or three persons in the way and began talking to them. He then left the taxi and proceeded to the prayer-ground. He came back to the taxi after 15-20 minutes. Soon thereafter the passengers also came back to the taxi. Digambar R. Badge, who had sat on the front seat did not come back and in his place some other person came and sat on the front seat. This person was Nathuram V. Godse. The passengers asked him, 'Start the car, start the car.' He started the car immediately. He then heard the sound

of an explosion either just before or just after starting the taxi. On his way back he had three or four persons in his taxi and dropped them at the Connaught Place

Sm Sulochana resides at a short distance from the back of Birla House. Her evidence is to the effect that on the day of the explosion incident at about 5-00 p.m., she came to the back of Birla House to fetch her son who had gone to play there. She saw a 'moongiya' coloured car coming and stopping on the other side of the circular space in front of the servants-quarters. The passengers sitting therein got down from the other side of the car and came out from behind the car. They met 2-3 persons. They then all entered the gate leading to Birla House. They were talking among themselves.

One of the persons had a talk with Chhoturam who was sitting in front of his quarters at the time. She then saw a person going to the place where the 'bomb' exploded later. He had come from towards where the car was standing. He placed a 'bomb' there and lighted it with a match-stick. She saw sparks coming out of the string attached to the 'bomb'. After the explosion of the 'bomb' a number of persons collected there. The persons who had come from towards prayer-ground inquired of her as to what had happened.

She pointed them out the person who had placed the 'bomb' there and had lighted it. He was caught hold of then and there Madanlal K. Pahwa is the person who had so exploded the 'bomb'. Nathuram V. Godse, Narayan D. Apte and Digambar R. Badge were among the persons who had come in the car, and were talking with Madanlal K. Pahwa.

Chhoturam is a car-cleaner and lives in the servants-quarters of Birla House. His evidence is to the effect that on the day a little before the explosion incident he was sitting on a 'takhat' in front of his room. Bhur Singh at the time was standing at some distance from him. He saw a car coming that way and stopping opposite the circular space. The car was of 'moongiya' colour. Four persons got down from the other side of the car, walked behind the car and met 3-4 persons.

They then began talking among themselves and came in front of his quarters. They were in groups of two or three. They made two or three rounds in front of his quarters. One of them came to him and began talking to him. That person asked him to allow him to take a photograph of Mahatma Gandhi through the lattice-work in his room. He asked him as to what he would get by taking a photograph through the lattice-work. That person again pressed him to allow

him to take a photograph through the lattice-work and tried to offer him some money. That person had a bag in his hand, which appeared to contain something heavy. That person felt disappointed, and went back to his companions.

One of those persons then proceeded towards the place, where the explosion took place later. He heard the explosion soon thereafter, and hurried to the place of the explosion. When the 'bomb' exploded the persons, who were standing at the gate, had hurried towards the car. Sulochana was standing at the place where the explosion incident had taken place, and pointed out a person and said that it was he who had set fire to something which he had placed there. That person was caught hold of then and there, and is Madanlal K. Pahwa. Vishnu R. Karkare is the person who had asked him to allow him to take a photograph of Mahatma Gandhi. Nathuram V. Godse, Narayan D. Apte and Shankar Kistayya are the persons who were seen walking in front of the servants-quarters along with others.

Bhur Singh is a watchman and lives in the servants-quarters of Birla House. His evidence is to the effect that on 20-1-1948 a little before the prayer time he was standing in front of his room. Chhoturam was sitting on a 'takhat' at the time. A car came and stopped on the other side of the circular space. About 3-4 persons got

down from the car. About 2-3 persons were standing in the circular space. They all then began talking among themselves, passed in front of him and proceeded towards the prayer-ground. About 5-6 minutes later first 3-4 persons and then 2-3 persons came back.

One of them proceeded towards Chhoturam, and asked him if he could take a photograph of Mahatma Gandhi from inside his room. Chhoturam did not allow him to do so. That person then tried to offer some money to Chhoturam. That person had a bag in his hand, and after the talk proceeded towards where his other companions were standing at the time. He then entered his room, put on his uniform and proceeded to the prayer ground. About 4-5 minutes later he heard the explosion of a 'bomb'. He rushed to the scene of the explosion.

Sm. Sulochana was there and told him that a person had placed something at that place and had ignited it with a match-stick. She then pointed out that person and that person was caught hold of then and there. The person so arrested was Madanlal K. Pahwa. Nathuram V. Godse, Narayan D. Apte, Vishnu R. Karkare, Madanlal K. Pahwa, Gopal V. Godse and Digambar R. Badge were the persons, whom he had seen strolling in front of his quarters and talking among themselves.

Surjit Singh came first in contact with the police on 4-2-1948. Sardar Jaswant Singh required a taxi on 4-2-1948, and sent for one. Surjit Singh came with the taxi. The taxi was of 'moongiya' colour and had a 'jungla' on its top. Sardar Jaswant Singh thereon asked if he was at Birla House on the day of the explosion incident, and thereafter recorded his statement. It is clear from the other evidence on the record of the case that the police were already on the lookout for a 'moongiya' coloured car with a 'jungla' at its top.

The discrepancies in the statements of Sm Sulochana, Chhoturam and Bhur Singh in my opinion, are not of much consequence and no adverse inference on the basis thereof could be drawn by the Court. After all, it must be realized that none of the witnesses at the time suspected any foul play. None of them accordingly could have kept an eye on the persons from the moment they got down from the taxi and till the moment they left the place and went away in the taxi. The witnesses would have tried to recollect only after the explosion incident whom they had seen and what they had heard them saying prior to the explosion incident at the back of the Birla House.

The presence of Sm. Sulochana at the spot is not denied on behalf of the defence. The fact that Chhoturam and Bhur Singh reside in the servants-quarters of the Birla House is also not denied on

behalf of the defence. It may also be mentioned here that the statements of Sm. Sulochana, Chhoturam and Bhur Singh were recorded almost just after the explosion incident at Birla House

The evidence on behalf of the prosecution shows that the persons got down from the other side of the car, proceeded to the back of the car and then came out to the circular space. There were some persons already standing in the circular space. These facts might have given impression to the witnesses that the persons who came out of the car and the persons who were already standing in the circular space from before had all come out of the car.

Surjit Singh correctly picked up Nathuram V. Godse, Narayan D. Apte, Gopal V. Godse and Digambar R. Badge in the identification proceedings and made no mistakes. Sm. Sulochana correctly picked up Nathuram V. Godse, Narayan D. Apte and Digambar R. Badge in the identification proceedings and made no mistakes. Chhoturam correctly picked up Nathuram V. Godse, Narayan D. Apte, Vishnu R. Karkare and Shankar Kistayya, and made two mistakes. Bhur Singh correctly picked up Nathuram V. Godse, Narayan D. Apte, Vishnu R. Karkare, Madanlal K. Pahwa, Gopal V. Godse, and Digambar R. Badge and made no mistakes.

There is thus no reason as to why implicit

reliance should not be placed on the evidence of Surjit Singh, Sm Sulochana, Chhoturam and Bhur Singh. The evidence of these witnesses clearly goes to establish the association of Nathuram V. Godse, Narayan D Apte, Vishnu R. Karkare, Madanlal K Pahwa, Shankar Kistayya, Gopal V Godse and Digambar R Badge at the time at Birla House.

Ram Prakash is the manager of Hindu Frontier Hotel at Delhi. His evidence is to the effect that two persons came and stayed in the hotel under the name of 'Gopalan' and 'G M Joshi' on 20-1-1948 and that those persons are Gopal V Godse and Vishnu R Karkare. If it is taken for granted just for arguments' sake that 'Gopalan' is no person other than Gopal V Godse, then, in view of the other evidence on behalf of the prosecution on the record of the case, he could not possibly have been at Hindu Frontier Hotel at about 4-00 p.m. The distance between Marina Hotel and Hindu Frontier Hotel is about 3-4 miles. If Gopal V Godse went to Hindu Frontier Hotel after the explosion incident, then he could not have been there before 6-30 p.m.

Ram Prakash correctly identified Vishnu R Karkare and Gopal V Godse in the identification proceedings and made no mistakes. If any reliance is to be placed on identification by him, then it would simply mean that Gopal V. Godse

went to Hindu Frontier Hotel after the explosion incident and obtained a room there sometime after 6-30 p.m. It thus appears to me not very unlikely that Ram Prakash at the instance of Gopal V. Godse put down the time of his arrival at the hotel wrongly. Ram Prakash is not prepared to come out with the real truth. No inference one way or the other, in the circumstances, could possibly be drawn on the evidence of such a witness.

(4)

EVIDENCE RE · WHAT TOOK PLACE AT BOMBAY
TILL 27-1-1948

Nathuram V. Godse and Narayan D. Apte got a two-bed room reserved in Elphinstone Annexe Hotel, Bombay, from 24-1-1948 till 27-1-1948. This portion of the evidence is not in dispute, and also stands admitted in their statements by Nathuram V. Godse and Narayan D. Apte. Govinda V. Malekar is a bearer in the hotel. His evidence is to the effect that Gopal V. Godse had once come at about 9-00 p.m. to see Nathuram V. Godse and Narayan D. Apte. The visitor had probably come on 25-1-1948, and had not come on 26-1-1948. The other evidence produced on behalf of the prosecution, which will be discussed later, goes to show that Nathuram V. Godse and Narayan D. Apte and Vishnu R. Karkare along with Gopal V. Godse were at Thana on 25-1-1948.

at about 9 00 p m It accordingly appears to me that Gopal V Godse, if he visited Nathuram V Godse and Narayan D Apte in Elphinstone Annexe Hotel, must have visited them on 24-1-1948

Gopal V Godse was on leave till 23-1-1948 and rejoined h s duty at Kirkee (Poona) on 26-1-1948 as 24-1-1948 was a holiday and 25-1-1948 was a Sunday. This is clear from the evidence of Leslie V Pounce.

Govinda V. Malekar correctly identified Nathuram V Godse, Narayan D Apte and Gopal V Godse in the identification proceedings and made no mistakes

There is thus no reason as to why implicit reliance be not placed on the evidence of Govinda V Malekar. The evidence of the witness clearly goes to establish the association of Nathuram V Godse, Narayan D Apte and Gopal V Godse at Bombay on 24-1-1948

G M. Joshi is the proprietor of Shivaji Printing Press at Dadar, and resides at Thana Vasant G. Joshi is his son. His evidence is to the effect that Vishnu R. Karkare came to his house on 25-1-1948 at about 5 30 a m. There was then some talk between Vishnu R. Karkare and G M. Joshi. G. M Joshi wrote down something on a piece of paper, and asked him to dispatch that

message from the Central Telegraph Office at Bombay. He came to Bombay, reproduced the message on a telegraph form and handed it over at the counter of the Central Telegraph Office. Gopal V. Godse came to his house at about 4 p.m. Nathuram V. Godse and Narayan D. Apte also came to his house at about 9 p.m. Nathuram V. Godse, Narayan D. Apte, Vishnu R. Karkare and Gopal V. Godse then sat down together and had some talk. Nathuram V. Godse and Narayan D. Apte left his house about half an hour later. Gopal V. Godse also left for Poona. Vishnu R. Karkare left his house the next day.

G. M. Joshi was cited as a witness on behalf of the prosecution, and was ultimately not produced. It has, as such, been contended on behalf of the defence that no reliance should be placed on the evidence of Vasant G. Joshi. It is admitted by Narayan D. Apte that he did stay with G. M. Joshi from 5-2-1948 till 13-2-1948 with a break of 2-3 days. It is also admitted by Vishnu R. Karkare that he did visit G. M. Joshi on 2-4 occasions during the period between 5 and 13-2-1948. The reason for non-production of G. M. Joshi as a witness on behalf of the prosecution, in the circumstances, is quite obvious and in no way adversely affects the prosecution case.

There is thus no reason as to why implicit reliance be not placed on the evidence of Vasant

G Joshi The evidence of the witness clearly goes to establish the association of Nathuram V Godse, Narayan D Apte, Vishnu R. Karkare and Gopal V. Godse at the time at Thana.

The evidence of Dada Maharaj is to the effect that Nathuram V Godse and Narayan D Apte came to see him on the morning of 26-1-1948. They asked him to hand them over a revolver asked for previously and, if not, at least to pay them the price of one. He asked them why they particularly wanted a revolver. They told him that he would see as to what they were going to do with it. He refused to hand them over a revolver.

The evidence of Dattaji Maharaj is to the effect that Nathuram V Godse and Narayan D. Apte came to see him on the morning of 26-1-1948. They asked him for a revolver and told him that they wanted a revolver as it would be unsafe to travel without one beyond Delhi. He told them that his health did not permit him to help them in the matter. They then insisted that he must do something in getting a revolver procured by the evening. They told him that Dada Maharaj had promised them a revolver. During the course of the conversation Narayan D Apte took a revolver from Nathuram V Godse and showed it to him. Narayan D Apte told him that the price of the revolver was Rs. 325 and that they

wanted one more revolver. He, however, put them off. His evidence is further to the effect that Nathuram V. Godse again approached him that evening in the meeting held in regard to the affairs of the Jaisalmer State, and asked him if he had made any arrangements about the 'thing.' Dixitji Maharaj told him that he had made no arrangements

Nathuram V. Godse and Narayan D. Apte in their statements admit having visited Dada Maharaj and Dixitji Maharaj on the morning of 26-1-1948. Nathuram V. Godse also admits having met Dixitji Maharaj in the meeting held in regard to the affairs of the Jaisalmer State in the evening of 26-1-1948. No doubt, the evidence of Dada Maharaj and Dixitji Maharaj to the effect stands uncorroborated. But in view of what has already been stated in regard to the other portion of their evidence, there appears to be no reason as to why implicit reliance be also not placed on their evidence to the effect.

It is thus clear that Nathuram V. Godse and Narayan D. Apte were still in search of a revolver on 26-1-1948

(5)

VIDENCE RE · THE PRESENCE OF APTE AND
KARKARE AT DELHI

Sundari Lal was the clerk in charge of the booking office at the Delhi Main Railway Station

at mid-day on 29-1-1948 His evidence is to the effect that Nathuram V. Godse came to him and asked him for the reservation of a retiring room. No retiring room was vacant at the time He asked Nathuram V Godse to come a little later as a retiring room was to fall vacant by then Nathuram V Godse along with Narayan D Apte then went to the booking office at about 1-00 p.m A retiring room had fallen vacant by then He allotted Nathuram V. Godse Room No 6 Nathuram V Godse got the room reserved in the name of 'N Vinayakrao'

His evidence is further to the effect that Nathuram V. Godse along with Narayan D Apte came to him on 30-1-1948 and asked for an extension of time He told Nathuram V Godse that no extension of time could be given without the permission of the Station Superintendent Nathuram V. Godse and Narayan D Apte then went away He did not receive the key and so he went to the retiring room to see whether it had been vacated or not He saw Nathuram V Godse and Narayan D Apte sitting and Vishnu R Karkare standing in the retiring room He asked Nathuram V Godse to vacate the room as the time had expired. Nathuram V Godse asked Vishnu R. Karkare to tie up the bedding He came back after the luggage had been taken out of the retiring room.

Hari Kishan is the bearer of the retiring room at the Delhi Main Railway Station. His evidence is to the effect that Nathuram V. Godse along with two persons had stayed in Room No. 6 on 29-1-1948 and 30-1-1948. Vishnu R. Karkare was one of these two persons. Nathuram V. Godse gave him some clothes for getting washed, and he got them washed through Jannu. Nathuram V. Godse and his two companions left room No. 6 at about 1-30 p.m. on 30-1-1948.

Jannu is the shoe-black at the Delhi Main Railway Station. His evidence is to the effect that three persons had stayed in Room No. 6 at the Delhi Main Railway Station on 29 and 30-1-1948. Nathuram V. Godse, Narayan D. Apte and Vishnu R. Karkare were those three persons. He polished the shoes of Nathuram V. Godse. He also got some clothes of Nathuram V. Godse washed, and was paid a sum of Rs. 2 by Hari Kishan.

In the various identification proceedings held, Sundari Lal correctly identified Nathuram V. Godse, Narayan D. Apte and Vishnu R. Karkare. Hari Kishan correctly identified Nathuram V. Godse and Vishnu R. Karkare and Jannu correctly identified Nathuram V. Godse, Narayan D. Apte and Vishnu R. Karkare. Sundari Lal and Jannu made no mistakes, while Hari Kishan made one mistake.

Narayan D. Apte in his statement says that

he left Gwalior direct for Bombay and did not come back with Nathuram V Godse at Delhi. He reached Bombay on the morning of 30-1-1948. He left his luggage in the Cloak Room at the Victoria Terminus Railway Station, and spent the day at the Refugee Camp. He went back to the V.T. Railway Station at about 9-15 p.m., and learnt that Mahatma Gandhi had been assassinated by Nathuram V Godse.

He met Vishnu R. Karkare at the V.T. Railway Station on the morning of 31-1-1948. He then proceeded to see and consult Mr. Jamnadas Mehta. He got down at the Grant Road Railway Station, and met one Miss Manorama Salvi near the Telegraph Office. He asked her to dispatch a telegram to the effect "Secretary, Hindu Mahasabha, Delhi — Arriving Delhi to arrange Godse's Defence." She wrote the telegram, and dispatched it in his presence. He took the telegram receipt from her. He thereafter saw some counsel other than Mr. Jamnadas Mehta and then Mr. Jamnadas Mehta.

Vishnu R. Karkare in his statement says that he met Narayan D. Apte at the V.T. Railway Station on 31-1-1948. He then came to know that Mahatma Gandhi had been assassinated by Nathuram V. Godse. Narayan D. Apte appeared nervous, and he also felt nervous. There was a rumour afloat that the Brahmins, specially those belonging

to the Hindu Mahasabha, were behind the assassination of Mahatma Gandhi. He was a worker of the Hindu Mahasabha, and so he had felt nervous. Narayan D. Apte told him that he was going to a post office to dispatch a telegram and consult his pleader how Nathuram V. Godse should be helped.

Narayan D. Apte and Vishnu R. Karkare were arrested by the police at Pyrkes Apollo Hotel, Bombay, on 14 2 1948 by Bhalchand A. Haldipur. A search was made of the person of the two individuals and their room and a number of articles were recovered. Michael P Carey and John Freitas are the 'panches' in regard to the search. Narayan D. Apte and Vishnu R. Karkare in their statement admit the recovery of the articles as mentioned therein from their possession at the time

Ex. D/5—D/9 are some of the articles so recovered, and have been brought on record of the case at the instance of Narayan D Apte and Vishnu R. Karkare to show that they could not have been at Delhi on 30 1-1948. Ex. D/5, D/6, D/8 and D/9 are Bombay suburban railway tickets, dated 30 1-1948 and 31-1-1948. Ex. D/7 is a telegram receipt, dated 31-1-1948 issued from the Grant Road Telegraph Office (Bombay). The contention, as such, on behalf of the defence is that the possession of these tickets and this receipt

by Narayan D Apte and Vishnu R. Karkare goes to show that Narayan D Apte and Vishnu R Karkare were at Bombay on 30-1-1948 and 31-1-1948 and could not have been at Delhi on 30-1-1948.

The mere fact that certain tickets bearing certain dates were recovered from the possession of the accused by itself in no way goes to show that the accused themselves had travelled under those tickets. One could always easily manage to collect subsequently such one-day or two day old tickets.

The prosecution, on the other hand, have produced sufficient evidence to show that some of these tickets had even been collected by the authorities concerned at the destination and their numbers entered in the register kept for the purpose.

The statement of Narayan D. Apte in regard to the possession of the telegram receipt has already been given earlier. The telegram receipt is said to have been obtained by Narayan D Apte from Miss Manorma Salvi at Bombay on 31-1-1948. On the mere production of the telegram receipt no inferences one way or the other could possibly be drawn as to what were the contents of telegram dispatched, who had dispatched the telegram, what were the circumstances under which the telegram had been dispatched and whether the

telegram had been dispatched in the presence of Narayan D. Apte. Miss Manorma Salvi was examined under Section 164 of the Cr. P. C. before a Magistrate, and was cited as a witness on behalf of the prosecution. She, however, was not produced as a witness on behalf of the prosecution on the ground that she would not depose the truth as she was on terms of intimacy with Narayan D. Apte. If Narayan D. Apte wanted to rely on her evidence for his alibi, he should have produced her as a witness on his behalf before the Court.

The recovery of the various tickets relating to the relevant period and the recovery of the telegram receipt also relating to the relevant period from the possession of the accused accordingly establishes nothing. If it establishes anything at all, then it establishes guilty knowledge on the part of Narayan D. Apte and Vishnu R. Karkare

Narayan D. Apte then has filed in court through his council a letter, an envelope and a photo. Narayan D. Apte in his statement says that he was at Poona from 8-2-1948, till 10-2-1948. He had a look at his correspondence, and came across an envelope. He opened the envelope and found a letter and a photo therein—Ex. D/115 and D/117. The letter and the envelope were in the hand of Nathuram V.

Godse. The post-mark on the envelope was 'Delhi 30-1-1948'. He thought Exs D/115—D/117 were precious to him, and kept them in his personal custody. Before proceeding to the Pyrites Apollo Hotel on 13-2-1948, he deposited Exs D/115—D/117 with a friend of his at Bombay with instructions that those documents when required be handed over to him. He says in his written statement that these documents were later handed over under his instructions to his counsel for purposes of his defence.

Even if it be taken for granted just for arguments' sake that the letter and the envelope are in the hand of Nathuram V. Godse, then this fact by itself in no way would mean that it was this letter that had been posted in the envelope on 30-1-1948. The envelope is addressed to 'Daily Hindu Rashtra, Post Box No 693, Lakshmi Road, Poona No. 2'. The letter is addressed personally to Narayan D. Apte. It does not stand to reason that a letter of the nature would have been posted in an envelope bearing the name of the office and not bearing the personal name of Narayan D. Apte. Even if it be again taken just for arguments' sake that the letter had been posted in the envelope at Delhi on 30-1-1948 then there was nothing to have prevented Narayan D. Apte from getting an alibi for himself created by having such a letter posted through Nathuram V. Godse at Delhi on 30-1-1948.

It appears to me more likely that Nathuram V. Godse posted a letter in an envelope in connection with some official dealings to the Daily Hindu Rashtra on 30-1-1948. A letter was subsequently obtained by Narayan D. Apte from Nathuram V. Godse while in custody through the connivance of someone, and passed on to a friend again through the connivance of someone. It may be mentioned here that Mr. J. D. Nagarvala in his evidence says that one Lance Naik Kadam was suspended for being an intermediary between the accused and the outsiders. Lance Naik Kadam was found carrying Apte's letter to Miss Manorama Salvi. The perusal of the letter shows that it has been written more for purposes of establishing the alibi of Narayan D. Apte than for anything else. On 30-1-1948 Nathuram V Godse could not have visualized what the prosecution case would be and what the defence should be. His attention that day would have all throughout been directed towards what he was going to do that evening at the Birla House.

There is thus no reason as to why implicit reliance be not placed on the evidence of Sundari Lal, Hari Kishan and Jannu. The evidence of these witnesses clearly goes to establish the presence of Narayan D. Apte and Vishnu R. Karkare along with Nathuram V. Godse at the Delhi Main Railway Station on 29 and 30-1-1948.

EVIDENCE RE WHAT TOOK PLACE AT
BOMBAY AFTER 30-1-1948

Narayan D Apte took a two-bed room in the Elphinstone Annexe Hotel, Bompay from 3-2-1948 till 5 2-1948. He stayed under the assumed name of 'D. Narayanrao'. These facts are not in dispute, and also stand admitted in his statement by Narayan D. Apte.

Kashmirilal is the proprietor and Govinda V Malekar is a bearer of Elphinstone Annexe Hotel. Kashmirilal in his evidence says that he received a message on phone on 5-2-1948 inquiring as to who had stayed in Room No 6 of his hotel on 24-1-1948. He consulted his register and also inquired of Govinda V. Malekar as to who had stayed in Room No 6 on 24-1-1948. Govinda V. Malekar told him that one of the two persons who were putting up in Room No 5 at the time looked like one who had stayed in Room No 6 on 24-1-1948. The two persons putting up in Room No 5 then happened to be present in the gallery at the time. One of them came up to him and asked him as to what the matter was. He told him that it did not concern him. The two persons soon thereafter left the Hotel and went away. Govinda V. Malekar in his evidence fully corroborates Kashmirilal, and further says that the two persons who were putting up in Room No 5

then were Narayan D. Apte and Vishnu R. Karkare.

Kashmirilal correctly identified Narayan D. Apte in the identification proceedings and made no mistakes. Govinda V. Malekar correctly identified Narayan D. Apte and Vishnu R. Karkare in the identification proceedings and made no mistakes. Not a single question in cross-examination has been put to Kashmirilal.

There is thus no reason as to why implicit reliance be not placed on the evidence of Kashmirilal and Govinda V. Malekar.

Narayan D. Apte stayed at the house of G. M. Joshi at Thana from 5-2-1948 till 13-2-1948 with a break of two days. This fact is not in dispute, and has also been admitted in his statement by Narayan D. Apte.

Vasant G. Joshi is the son of G. M. Joshi, and his evidence is to the effect that both Narayan D. Apte and Vishnu R. Karkare had stayed at his house from 5-2-1948 till 13-2-1948 with a break of two days. Vishnu R. Karkare in his statement denies having so stayed at the house of G. M. Joshi at Thana. He, however, admits having gone a few times during the period to see G. M. Joshi at Thana. The evidence of Vasant G. Joshi has already been relied on in connection with another incident earlier. There, accordingly, appears to

be no reason as to why his evidence in regard to this very incident be also not relied on.

There is thus no reason as to why implicit reliance be not placed on the evidence of Vasant G Joshi.

(7)

EVIDENCE RE WHAT TOOK PLACE AT
GWALIOR

Ghariba and Jumma ply tongas on hire at Gwalior, and the sum total of their evidence is that they picked up Nathuram V Godse and Narayan D Apte from the Gwalior Railway Station on 27-1-1948 at about 11-30 p. m. and dropped them at the house of Dattatraya S Parchure. Madhusudan G Golvalkar is a booking clerk at the Gwalior Railway Station, and his evidence says that on 27-1-1948 Delhi-Madras Express reached Gwalior at 22 38 hours and the Bombay-Amritsar Express reached Gwalior at 23.50 hours. Nathuram V Godse and Narayan D Apte in their statements admit having gone from Delhi to Gwalior but on 28-1-1948. Dattatraya S Parchure, in his statement denies Nathuram V. Godse and Narayan D. Apte having come to his house on 27-1-1948.

Ghariba correctly picked up Nathuram V. Godse and Narayan D Apte and Jumma correctly

picked up Nathuram V Godse in the identification proceedings. Ghariba made no mistakes and Jumma made one mistake.

There is thus no reason as to why the evidence of Madhusudan G. Golwalkar, Ghariba and Jumma be not relied on. The evidence of these witnesses clearly goes to establish that Nathuram V Godse and Narayan D. Apte went to the house of Dattatraya S. Parchure on 27-1-1948.

Jagdish Prasad Goel in his evidence says that he visited the dispensary of Dattatraya S. Parchure on 28-1-1948 at about 10-30 a.m. He had been summoned there a little earlier by a servant of Dattatraya S. Parchure. He did not meet Dattatraya S. Parchure but met Nathuram V. Godse and Narayan D. Apte.

Madhukar K. Kale in his evidence says that he happened to go to the house of Dattatraya S. Parchure that day at about 12-30 p.m. He saw Dattatraya S. Parchure sitting on an easy chair in the hall. There were three more persons in the hall, and one of them was Gangadhar S. Dandwate (absconder). He did not know who the other two persons were, and subsequently learnt that they were Nathuram V. Godse and Narayan D. Apte. Nathuram V. Godse and Narayan D. Apte had country-made revolvers in their hands, and were trying to press their triggers but could not do so

They then asked Gangadhar S. Dandwate to arrange for a pistol for them. Gangadhar S. Dandwate said that the two revolvers were in a serviceable condition and that he could show them how to press their triggers. Gangadhar S. Dandwate then took Nathuram V. Godse and Narayan D. Apte to the court-yard. He also accompanied them there. Gangadhar S. Dandwate got a cartridge from Nathuram V. Godse and Narayan D. Apte, loaded one revolver and fired it in the sky. Nathuram V. Godse and Narayan D. Apte thereafter again tried to fire the revolver after reloading it, but could not succeed. They asked Gangadhar S. Dandwate to get them a good revolver. They said that they were in a hurry to get a revolver as their party had already left and they were to leave by 2.30-3.00 p.m. train.

Gangadhar S. Dandwate said that he could arrange for a revolver by evening and that they could leave by the night train. Nathuram V. Godse and Narayan D. Apte agreed to stay till the evening. They all then proceeded to the upper-storey of the house of Dattatraya S. Parchure. Gangadhar S. Dandwate suggested to Dattatraya S. Parchure that he should hand over his pistol to Nathuram V. Godse and Narayan D. Apte. Dattatraya S. Parchure said that he was not such a fool as to hand over his pistol to them.

Jagdish Prasad Goel in his evidence further

says that Gangadhar S. Dandwate came to him that day at about 9 00 p. m. and told him that a pistol was required by Nathuram V. Godse and asked him to sell his pistol to him for a sum of Rs. 500. He handed over his pistol to him with seven rounds of ammunition in it. Gangadhar S. Dandwate came to him that day again at about 10.00 p.m. and handed over to him a country-made revolver and a sum of Rs. 300. He refused to accept the offer, and asked him either to pay a sum of Rs. 500 or to hand him back his pistol.

Madhukar K. Kale correctly picked up Nathuram V. Godse and Narayan D. Apte in the identification proceedings and made no mistakes.

There is thus no reason as to why the evidence of Madhukar K. Kale and Jagdish Prasad Goel be not relied on. The evidence of the witnesses clearly goes to establish that Dattatraya S. Parchure got a pistol procured for Nathuram V. Godse and Narayan D. Apte through Gangadhar S. Dandwate (absconder).

Jagannath Singh in his evidence says that he visited Dattatraya S. Parchure at his house on 31-1-1948 at about 11-00 a.m. He had gone there with a view to discuss with him to make a joint demand for a share in the Ministry. Dattatraya S. Parchure told him that something was going to be completed in about a week and that

he would thereafter discuss what steps were to be taken to get a share in the Ministry

Madhukar K. Kale in his evidence says that he met Dattatraya S. Parchure at about 6-00 p m on 30-1-1948 in front of Marahta Boarding House. He told Dattatraya S. Parchure that it had been heard on radio that Mahatma Gandhi was dead. Dattatraya S. Parchure thereon inquired of him whether Mahatma Gandhi had died or had been murdered. He said that the news received was that of his death and that it was not clear whether he had died or had been murdered. They then came to the dispensary of Dattatraya S. Parchure. Madhukar B. Khire also came to the dispensary of Dattatraya S. Parchure. A rumour in the meantime became afloat that Mahatma Gandhi had been assassinated. He then left for his house.

Madhukar B. Khire in his evidence says that he proceeded to the dispensary of Dattatraya S. Parchure on 30-1-1948 at about 6-00 p m. He asked Dattatraya S. Parchure as to who would have committed the murder of Mahatma Gandhi. Dattatraya S. Parchure said that the person who would have committed the murder must have been one like them. He and Dattatraya S. Parchure then proceeded to the Rajput Boarding House. Ram Dayal Singh was called and Dattatraya S. Parchure told him that he had completed his work, that Ram Dayal Singh was to complete

the rest of the work and that their movement must end in success. He then accompanied Dattatraya S. Parchure to his residence. Some sweets were brought and distributed at the residence of Dattatraya S. Parchure.

Ram Dayal Singh in his evidence says that he was present at the time at the Rajput Boarding House. Dattatraya S. Parchure came there, and just blurted out, 'a good deed has been done.' Dattatraya S. Parchure further said that the opponent of the Hindu religion had been killed, that the person who had killed Mahatma Gandhi was their own man, that the throwing of the 'bomb' some days back was also the work of their man, that the pistol had been sent from Gwalior and that the person had come from the south and had gone via Gwalior.

Jagannath Singh in his evidence says that he was also present at the time at the Rajput Boarding House. Dattatraya S. Parchure came there, and said that one of his work had been completed. Dattatray S. Parchure further said that the assailant was his own man and had come from the south, that that person had taken a pistol from Gwalior and that the person who had thrown the 'bomb' was also a person from Gwalior.

It is thus clear that these witnesses or at least some of them have certainly tried to exaggerate the matter in their own way against Dattatraya S.

Parchure. It may, any way, be safely inferred from the sum total of their evidence that Dattatraya S Parchure was expecting something sensational that day ; on hearing of the news of the assassination he became overjubilant, blurted out something and distributed sweets at his residence.

The case against Dattatraya S. Parchure rest not only on the evidence of Ghariba, Jumma, Madhukar K Kale, Jagdish Prasad Goel, Jaganath Singh, Madhukar B. Khire and Ram Dayal Singh but also on the "confession" said to have been made by him before Mr R. B. Atal, Magistrate 1st Class, Gwalior, on 18 2 1948.

Dattatraya S Parchure is a highly educated man, and is an M B B S The precautions observed by Mr R B Atal in recording his confession were in no way different to the precautions observed in recording the confession by a Dominion Magistrate He recorded the confession after fully convincing himself that it was being made voluntarily and not because of any inducement, threat or promise and that too only after fully warning the accused of the consequences that might ensue to him later because of his confession. There is thus no reason as to why reliance should not be placed on the "confession" of Dattatraya S. Parchure

(8)

ANALYSIS OF THE EVIDENCE OF THE APPROVER

Digambar R Badge was first produced before

the Court on 27-5-1948. He had no counsel, and was asked if he wanted a counsel to be engaged on his behalf at the expense of the Crown. He stated that he did not want a counsel but wanted to make a true statement of the facts. His statement, however, was at that stage not recorded by the Court. He then had interviews twice with Mr. J. D. Nagarvala. Ordinance XIV of 1948 was passed by the Central Government on 14-6-1948 empowering courts constituted under Sections 10 and 11 of the Bombay Public Security Measures Act as extended to the province of Delhi to tender a pardon to an accused. The counsel for the prosecution put in an application before the Court on 17-6-1948 that Digambar R. Badge be tendered a pardon. Digambar R. Badge was examined in due course, and was tendered a pardon by the Court on 21-6-1948.

The examination and the cross-examination of the approver went on from 20-7-1948 till 30-7-1948. He was cross-examined for nearly seven days. There was thus an ample opportunity to observe his demeanour and the manner of his giving evidence. He gave his version of the facts in a direct and straightforward manner. He did not evade cross-examination or attempt to evade or fence with any question. It would not have been possible for anyone to have given evidence so unfalteringly stretching over such a long period and with

such particularity in regard to the facts which had never taken place. It is difficult to conceive of anyone memorizing so long and so detailed a story if altogether without foundation.

The evidence of the approver may conveniently be divided into three groups—firstly, the evidence that stands fully corroborated, secondly, the evidence that stands generally corroborated and thirdly, the evidence that does not stand corroborated in regard to the identity of a certain accused.

The approver's evidence that stands fully corroborated has already been discussed earlier.

Now I take up the approver's evidence that stands generally corroborated.

The approver in his evidence says that he dealt in arms, ammunition and explosives at the time and that Vishnu R. Karkare and Madanlal K. Pahwa along with two more individuals came to inspect the explosives at his house on 9.1.1948. He was called to the Hindu Rashtra Office on 10.1.1948, when he agreed to supply Nathuram V. Godse and Narayan D. Apte with two gun-cotton slabs and five hand-grenades at the Hindu Mahasabha Office at Dadar on 14.1.1948.

It has been argued on behalf of the defence that the individuals who are said to have accompanied Vishnu R. Karkare and Madanlal K. Pahwa

to the house of the approver on 9-1-1948 could at least have been produced in corroboration of the approver's story. The evidence produced on behalf of the prosecution goes to show that every effort was made to trace them but they could not be traced. Even if they had appeared as witnesses it is doubtful if their evidence would have amounted to more than that of accomplices.

The approver in his evidence says that he was asked by Narayan D Apte in the compound of the temple of Dixitji Maharaj also to proceed along with them to Delhi as it had been decided that Mahatma Gandhi be 'finished'. He agreed to do so. He along with Shankar Kistayya proceeded to Delhi and stayed in the Hindu Mahasabha Bhawan along with Madanlal K. Pahwa and Gopal V. Godse from 19-1-1948 till 20-1-1948.

It has been argued on behalf of the defence that at least someone should have been produced from the Hindu Mahasabha Bhawan in corroboration of the approver's story. The prosecution could have produced no such person in evidence in view of their allegations as against the Hindu Mahasabha.

The approver in his evidence says that Narayan D. Apte took him along with Shankar Kistayya on 20-1-1948 to the Birla House and showed him the prayer-platform, the window with trellis-work behind it and the servants-quarters.

The approver in his evidence says that in the Marina Hotel on 20-1-1948 they fixed primers to the gun cotton slabs and detonators to the hand-grenades, discussed the plan and distributed the 'stuff' among them. Of course, no direct corroborative evidence to the effect could possibly have been produced on behalf of the prosecution. However, there is an illuminating piece of indirect corroborative evidence to the effect on behalf of the prosecution. The evidence of Nain Singh as supported by Exs P/17 and P/24 goes to show that three extra teas had been ordered and supplied that day in room No 40.

It is a well known principle in the estimation of evidence that the earlier events may be construed in the light of the subsequent ones. The approver's story as given above fits in fully with the events that took place subsequently and stands corroborated otherwise by independent evidence. There is thus no reason as to why reliance be not placed on the approver's evidence that stands generally corroborated.

Now I take up the approver's evidence that does not stand corroborated in regard to the identity of a certain accused—Vinayak D. Savarkar.

The approver in his evidence says that on 14-1-1948 Nathuram V. Godse and Narayan D. Apte took him from the Hindu Mahasabha Office at Dadar to the Savarkar-Sadan saying that

arrangements will have to be made for keeping the 'stuff'. He had the bag containing the 'stuff' with him. Nathuram V. Godse and Narayan D. Apte then went inside leaving him standing outside the Savarkar-Sadan. Nathuram V. Godse and Narayan D. Apte came back 5-10 minutes later with the bag containing the 'stuff'.

The approver then says that on 15-1-1948 in the compound of the temple of Ditya Maharaj Narayan D. Apte told him that Tatyarao Savarkar had decided that Gandhiji should be 'finished' and had entrusted that work to them. The approver then says that on 17-1-1948 Nathuram V. Godse suggested that they should all go and take the last 'darshan' of Tatyarao Savarkar. They then proceeded to the Savarkar-Sadan. Narayan D. Apte asked him to wait in the room on the ground floor. Nathuram V. Godse and Narayan D. Apte went up to the first-floor and came down after 5-10 minutes. They were followed immediately by Tatyarao Savarkar. Tatyarao Savarkar addressed Nathuram V. Godse and Narayan D. Apte 'yashasvi hona ya' (be successful and come).

Narayan D. Apte on their way back from Savarkar Sadan said that Tatyarao Savarkar had predicted 'Tatyaravani ase bhavishya kele ahe ki Gandhijichi sambhar vershe bharali—atta, apale kam nischita honar yat kahi sansaya nahi' (Gandhiji's hundred years were over—there was

no doubt that their work would be successfully finished)

The prosecution case against Vinayak D. Savarkar appears to rest just on the evidence of the approver and the approver alone. The contention on behalf of the prosecution is that part of the approver's story as against Vinayak D. Savarkar to a certain extent stands corroborated by the evidence of Miss Shantabai B. Modak and Aitappa K. Kotian

No doubt there is the evidence of Miss Shantabai B. Modak that Nathuram V. Godse and Narayan D. Apte got down in front of the Savarkar-Sadan on 14-1-1948. The evidence to the effect, however, in no way goes to establish that Nathuram V. Godse and Narayan D. Apte had got down in front of the Savarkar Sadan to visit Vinayak D. Savarkar. The evidence on the record of the case goes to show that not only Vinayak D. Savarkar but A. S. Bhide and Gajanan Damle also reside in the Savarkar Sadan. No doubt there is also the evidence of Aitappa K. Kotian that Nathuram V. Godse, Narayan D. Apte and the approver got down at the Shivaji Park on 17-1-1948.

The evidence to the effect, however, is no corroboration of the approver's story in regard to what the approver says he heard Vinayak D. Savarkar addressing Nathuram V. Godse and

Narayan D Apte. The approver in his evidence says that he had just heard Vinayak D. Savarkar addressing Nathuram V. Godse and Narayan D. Apte 'yashasvi houn ya.'

There is nothing on the record of the case to show as to what conversation had taken place just prior to that on the first floor between Nathuram V. Godse and Narayan D. Apte on the one hand and Vinayak D. Savarkar on the other. There is thus no reason to suppose that the remarks said to have been addressed by Vinayak D. Savarkar to Nathuram V. Godse and Narayan D. Apte in the presence of the approver were in reference to the assassination plot against the life of Mahatma Gandhi

It would thus be unsafe to base any conclusions on the approver's story given above as against Vinayak D. Savarkar.

(10)

CONSPIRACY IF MADE OUT AND AGAINST WHOM

It has already been stated earlier that the case of the prosecution is that the accused entered into a conspiracy to commit the murder of Mahatma Gandhi. The findings arrived at above against them go to show that the accused proceeded to Delhi on different dates and by different routes so as to be there during the period between 17-1-1948 and 19-1-1948. Not more than two accused travelled together by the same route.

Prior to their departure for Delhi Nathuram V Godse and Narayan D Apte had obtained two gun-cotton slabs and five hand-grenades from Digambar R Badge. Narayan D Apte had approached Dixitji Maharaj for the supply of a revolver or two but to no purpose. Nathuram V. Godse had handed over a small pistol to Digambar R Badge, and had asked him to get it exchanged for a big revolver which was to be brought by him to Delhi. It had been also arranged that Gopal V. Godse would bring a revolver to Delhi. Nathuram V Godse and Narayan D Apte along with Digambar R Badge had gone from place to place at Bombay to collect money on various pretexts and had so collected money. Nathuram V. Godse and Narayan D Apte had travelled together from Bombay to Delhi by plane under the assumed names of 'D N Karmarkar' and 'S Marathe'. The accused stayed at three different places at Delhi. Nathuram V Godse, Narayan D Apte and Vishnu R Karkare had stayed under the assumed names of 'S Deshpande,' 'M. Deshpande' and 'B M Bias'. The accused then met together at the Birla House at about the same time and just a little before the explosion incident that occurred there.

After the arrest of Madanlal K. Pahwa all the remaining accused left Delhi that very day or the next day. Again not more than two accused

travelled together by one route Nathuram V. Godse and Narayan D. Apte stayed in hotels at Bombay under the assumed names of 'N. Vinayakrao' and 'D. Narayan' Nathuram V. Godse, Narayan D. Apte, Vishnu R. Karkare and Gopal V. Godse met together at the house of G. M. Joshi at Thana. Nathuram V. Godse and Narayan D. Apte approached Dada Maharaj and Dixitji Maharaj for the supply of a revolver. Nathuram V. Godse and Narayan D. Apte again travelled from Bombay to Delhi by plane under the assumed names of 'D. Narayanrao' and 'N. Vinayakrao.' They proceeded to Gwalior and got a pistol procured through Dattatraya S. Parchure. Nathuram V. Godse stayed in a retiring room at the Delhi Main Ry. Station under the assumed name of 'N. Vinayakrao' Narayan D. Apte and Vishnu R. Karkare were with him. Nathuram V. Godse then proceeded to Birla House, and shot Mahatma Gandhi dead with the pistol that had been brought from Gwalior.

The case of Nathuram V. Godse is that there was no 'conspiracy' between him and the other accused to commit the murder of Mahatma Gandhi and that what he did was his own individual action. The case of Narayan D. Apte is that he along with Nathuram V. Godse had come to Delhi on 17-1-1948 with the intention of staging a demonstration against the fast that Mahatma

Gandhi had started on 13-1-1948 with a view to coercing the Government of India to give 55 crores of rupees to the Government of Pakistan. The case of Vishnu R. Karkare is that it was at the request of Madanlal K. Pahwa that he along with Madanlal K. Pahwa had come to Delhi on 17-1-1948. Madanlal K. Pahwa had told him that his marriage was being arranged and that it was also being contemplated by some refugees to take a deputation to Mahatma Gandhi.

The case of Madanlal K. Pahwa is that he along with Vishnu R. Karkare had come to Delhi on 17-1-1948 with a view to taking a deputation before Mahatma Gandhi and also with a view to making arrangements for his marriage. Digambar R. Badge handed over to him a gun-cotton slab and a hand-grenade as samples in the refugee camp at Delhi. He exploded the gun cotton slab at Birla House with a view to courting arrest and telling Mahatma Gandhi thereafter as to what were the grievances of the refugees. The case of Shankar Kistayya is that what he did he did in obedience to the orders of his master Digambar R. Badge. He knew nothing about the 'conspiracy' and had not been told anything about it by anyone including Digambar R. Badge. The case of Gopal V. Godse is that he was on leave at Uksan (Poona) from 17-1-1948 till 25-1-1948. The case of Vinayak D. Savarkar is that he had no hand in

the 'conspiracy,' if any, and had no control whatsoever over Nathuram V. Godse and Narayan D. Apte. The case of Dattatraya S. Parchure is that Nathuram V. Godse and Narayan D. Apte had come to him with a view to obtaining volunteers for purposes of staging a demonstration at Delhi and not with a view to obtaining a pistol for committing the murder of Mahatma Gandhi.

Nathuram V. Godse and Narayan D. Apte in their statements give the same reason for their coming to Delhi on 17-1-1948, and say that their intention was to stage a demonstration before Mahatma Gandhi.

There is no explanation forthcoming on behalf of the defence as to how during the relevant period Nathuram V. Godse happened to effect nomination on his life-policy for a sum of Rs. 2,000/- in favour of the wife of Narayan D. Apte and on his other life-policy for a sum of Rs. 3,000/- in favour of the wife of Gopal V. Godse.

It has been mentioned above that Nathuram V. Godse and Narayan D. Apte had travelled by plane under assumed names and had also stayed under assumed names at Delhi. The explanation in regard to the assumed names as given on behalf of the defence is that the pitch of the editorials in the 'Hindu Rashtra' had been rising higher and higher before 16-1-1948. The Bom-

bay Government had held out a threat that, if in future any articles in the paper tended to communal strifes or violence, they would not rest content with demanding further security but would prosecute Nathuram V Godse and Narayan D Apte. Nathuram V Godse and Narayan D Apte accordingly wanted to keep their identity concealed till they had staged the demonstration as intended before Mahatma Gandhi. The threat, if at all, was against the editorials in the paper and not against the staging of a peaceful demonstration. The Bombay Government would have in no way been interested in their movement from Bombay to Delhi and in their stay at Delhi.

There was thus no reason for them to have assumed names in case their intention was just to stage a demonstration before Mahatma Gandhi.

There is then no explanation forthcoming on behalf of the defence as to how Nathuram V Godse and Narayan D Apte and the other accused happened to meet together at the Birla House on 20-1-1948 at about the same time just a little before the explosion incident that occurred there. There is also no explanation forthcoming on behalf of the defence as to how Nathuram V Godse and Narayan D Apte along with some other accused happened to leave the Birla House in a great hurry just at about the time when the explosion incident took place there.

Vishnu R. Karkare and Madanlal K. Pahwa in their statements give the same reason for their coming to Delhi on 17-1-1948, and say that the intention was to lead a deputation before Mahatma Gandhi and that they had come independently of Nathuram V. Godse and Narayan D. Apte.

It has been mentioned above that Vishnu R. Karkare had stayed under an assumed name at Delhi. The explanation in regard to the assumed name as given on behalf of the defence is that the Ahmednagar Police was after Vishnu R. Karkare and that, as such, he had stayed under an assumed name at Delhi. The Ahmednagar Police would have been in no way interested in his stay at Delhi. There was thus no reason for him to have assumed a name in case his intention was just to see the deputation that Madanlal K. Pahwa intended to lead before Mahatma Gandhi.

Madanlal K. Pahwa in his statement says that Digambar R. Badge had handed him over a gun-cotton slab and a hand-grenade as samples for sale to the refugees at Delhi. The only question that was put to Digambar R. Badge in cross-examination on behalf of the defence was whether he had given one gun-cotton slab and one hand-grenade to Madanlal K. Pahwa for selling them to the refugees at Delhi. Digambar R. Badge denied having done so. No question in cross-examination in regard to the details as now given

in his statement by Madanlal K. Pahwa were put to him. It does not at all stand to reason that a man of the type of Digambar R. Badge would have given a gun, cotton slab and a hand grenade altogether free of charge to Madanlal K. Pahwa, who according to the defence was not even known to him from before. Refugees like Madanlal K. Pahwa would have been present in thousands and thousands at the time at Delhi.

There is no explanation forthcoming on behalf of the defence as to how Vishnu R. Karbare and Madanlal K. Pahwa and the other accused happened to meet together at the Birla House on 20-1-1948 at about the same time and just a little before the explosion incident that occurred there.

It has already been mentioned earlier that Ex. 15 is the coat and Ex. 67 is the pair of trousers of one and the same suit that belonged to Narayan D. Apte. The coat was recovered from the possession of Madanlal K. Pahwa on 20-1-1948 and the pair of trousers was recovered from the possession of Narayan D. Apte on 16-4-1948. The recovery of the coat from the possession of Madanlal K. Pahwa would not have been possible unless Narayan D. Apte and Madanlal K. Pahwa had been in association with each other on or about 20-1-1948.

Madanlal K. Pahwa in his statement says that

4

he exploded the gun-cotton slab at the Birla House with a view to courting arrest and telling Mahatma Gandhi thereafter as to what were the grievances of the refugees. There is nothing whatsoever on the record of the case to show that any such effort had been made after his arrest by Madanlal K. Pahwa on 20.1.1948. Not a single question in cross-examination in regard thereto was put to any of the prosecution witnesses on behalf of Madanlal K. Pahwa. There is thus no reason to suppose that Madanlal K. Pahwa had exploded the gun cotton slab with a view to courting arrest and telling Mahatma Gandhi thereafter as to what were the grievances of the refugees.

Shankar Kistayya in his statement says that he knew nothing about the 'conspiracy' and had not been told about it by anyone including Digambar R. Badge. There is no reason to suppose that Digambar R. Badge and the other accused would have taken Shankar Kistayya along with them to the Birla House on 20.1.1948 unless he had been told the purpose for which they were proceeding there. There is thus no reason to suppose that Shankar Kistayya knew nothing about the conspiracy and had not been told anything about it by anyone including Digambar R. Badge.

Gopal V. Godse in his statement says that he

was on leave at Uksan (Poona) from 17-1-1948 till 25 1 1948. There is no explanation forthcoming on behalf of the defence as to how Gopal V Godse happened to take practically half of his casual leave at the very beginning of the year. One does not usually consume practically half of one's casual leave at the very beginning of the year unless it be for some very pressing necessity. The reason for taking the leave of absence as given in the application is 'some important farm affairs'. It has not been shown on behalf of the defence as to what those 'some important farm affairs' were. Of course, if the intention of Gopal V Godse was to proceed to Delhi, he could not have mentioned that reason in his application for leave of absence.

It has been mentioned earlier that on a search being made of Nathuram V Godse on 30 1 1948 a diary was recovered from his person. The recovery of the diary and the entries as contained therein are not in dispute on behalf of the defence, and also stand admitted in his statement by Nathuram V Godse.

Digambar R. Badge in his evidence says that on 15 1-1948 after he had agreed to proceed to Delhi he said that he would not proceed to Delhi immediately as he would have to go back to Poona to make arrangements regarding his household affairs. Nathuram V Godse thereon said

that he also wanted to go to Poona to meet his brother Gopal V. Godse, who had undertaken to make arrangements for procuring a revolver.

Ex. P/323 shows that Nathuram V. Godse had paid a sum of Rs. 250 to Gopal V. Godse on 14-1-1948 at Poona. Nathuram V. Godse in his statement admits having paid the sum to his brother. He, however, says that he had paid the sum to his brother as he had asked for it. If it was so, then the sum would have been paid out of the personal account of Nathuram V. Godse and not out of the joint account of Nathuram V. Godse and Narayan D Apte. Ex. P/323 goes to show that Nathuram V Godse and Narayan D. Apte had at their joint disposal a sum of Rs. 2,000 on 14-1-1948. A sum of Rs 342 in all was spent out of the joint fund on 14-1-1948 leaving a balance of Rs 1,658. This sum thereafter was divided into two lots of Rs 829 each. There is thus no reason to suppose that the sum of Rs 250 had been paid by Nathuram V Godse to Gopal V Godse towards his personal needs and not towards the common purpose of Nathuram V. Godse and Narayan D Apte.

There is also no explanation forthcoming on behalf of the defence as to how Gopal V. Godse along with some other accused happened to leave Birla House in a great hurry just at about the

time when the explosion incident took place there

Vinayak D. Savarkar in his statement says that he had no hand in the "conspiracy," if any, and had no control whatsoever over Nathuram V Godse and Narayan D Apte. It has been mentioned above that the prosecution case against Vinayak D Savarkar rests just on the evidence of the approver and the approver alone. It has further been mentioned earlier that it would be unsafe to base any conclusions on the evidence of the approver as against Vinayak D Savarkar. There is thus no reason to suppose that Vinayak D. Savarkar had any hand in what took place at Delhi on 20-1-1948 and 30-1-1948.

Dattatraya S Parchure in his statement says that Nathuram V Godse and Narayan D Apte had come to him with a view to obtaining volunteers for purposes of staging a demonstration at Delhi and not with a view to obtaining a pistol for committing the murder of Mahatma Gandhi. The evidence produced on behalf of the prosecution in the matter has already been fully discussed earlier, and need not be reiterated.

It has been argued on behalf of the defence that one hand-grenade would have been sufficient to cause the death of Mahatma Gandhi and that there was no reason as to why five hand-grenades should have been taken for the purpose to Birla

House on 20-1-1948. My general impression from the evidence on the record of the case is that Nathuram V Godse and Narayan D. Apte never really intended that all the five hand-grenades should be thrown at Mahatma Gandhi. Their real intention appears to have been to make Madanlal K. Pahwa explode the gun-cotton slab and to make Digambar R. Badge enter the room of Chhoturam and throw the hand-grenade through the opening in the trellis-work of the window at Mahatma Gandhi. Madanlal K. Pahwa was a Punjabi and Digambar R. Badge was a non-Brahmin in whom neither Nathuram V Godse nor Narayan D. Apte could possibly have been very much interested. Their real intention then appears to have been to run away in the confusion after the explosion of the gun-cotton slab and after the throwing of the hand-grenade. The explosion of the gun-cotton slab was intended to be a signal to throw the hand-grenade.

Digambar R. Badge on being asked to enter the room got frightened as he thought that, if he went into the room and something happened, he would get trapped inside the room. He refused to enter the room. Had the real intention been otherwise, then Nathuram V Godse, Narayan D. Apte, Vishnu R. Karkare or Gopal V. Godse would have entered the room and done the deed.

Godse visited Nathuram V. Godse and Narayan D Apte at Bombay. Nathuram V. Godse, Narayan D. Apte, Vishnu R. Karkare and Gopal V. Godse met together at the house of G M Joshi at Thana. Nathuram V. Godse and Narayan D. Apte approached Dada Maharaj and Dixitji Maharaj for a revolver. Nathuram V. Godse and Narayan D Apte travelled together under assumed names by plane from Bombay to Delhi. They proceeded to Gwalior and got a pistol procured through Dattatraya S Parchure. Nathuram V. Godse stayed under an assumed name in a retiring-room at the Delhi Main Ry Station. Narayan D Apte and Vishnu R Karkare were with him. Nathuram V. Godse then proceeded to Birla House and shot Mahatma Gandhi dead with the pistol that had been brought from Gwalior.

These facts lead to one conclusion and one conclusion only that the same 'conspiracy' continued even after the failure of their efforts on 20-1-1948 and that in pursuance of that very conspiracy the murder of Mahatma Gandhi was committed by Nathuram V. Godse.

There is no clear evidence forthcoming on behalf of the prosecution as to when the 'conspiracy' was first entered into and by whom and where. However, it may safely be inferred from the movements of the accused and their conduct

that the 'conspiracy' was in existence at least on 9-1-1948 when Narayan D Apte sent Vishnu R. Karkare and Madanlal K Pahwa along with two more individuals to examine the 'stuff' at the house of Digambar R Badge. Narayan D Apte, Vishnu R Karkare and Madanlal K Pahwa must have been in the 'conspiracy' at the time Nathuram V Godse comes in the picture first on 10-1-1948 when he along with Narayan D. Apte asked Digambar R Badge to be supplied with two gun-cotton slabs and five hand-grenades. Nathuram V. Godse must have been in the 'conspiracy' at that time. Digambar R Badge joined the 'conspiracy' on 15-1-1948 when he agreed to accompany Nathuram V Godse and Narayan D Apte to Delhi. Gopal V Godse must have been in the 'conspiracy' on 14-1-1948 when he put in an application for seven days' casual leave. Shankar Kistayya joined the 'conspiracy' on 20-1-1948 when he was told by Digambar R Badge the purpose of their visit to Birla House. Dattatraya S Patchure joined the 'conspiracy' on 27-1-1948 when he agreed to get a pistol procured for Nathuram V Godse and Narayan D Apte.

(11)

CHARGE ESTABLISHED AND SENTENCE PASSED

The findings arrived at above are that Nathuram V Godse intentionally and knowingly caused

the death of Mahatma Gandhi on 30-1-1948. The act of Nathuram V. Godse in committing the murder of Mahatma Gandhi was a deliberate and a calculated one. No extenuating circumstances have been pointed nor could have been pointed out on his behalf. The only sentence, in the circumstances, that could be passed on him under Section 302 of the Indian Penal Code is the sentence of death.

The act of Narayan D. Apte in abetting the offence of the murder of Mahatma Gandhi is in no way less heinous. He throughout took the lead at each stage of the crime and at the most crucial moment either just ran away from the scene or just absented himself from the scene of the crime. Had it not been for his brain work the murder of Mahatma Gandhi probably would never have been committed. The only sentence in the circumstances, that could be passed on him under Section 109 of the Indian Penal Code read with Section 3(2) of the Code is the sentence of death.

So far as Vishnu R. Karkare, Gopal V. Godse and Dattatraya S. Parchure are concerned, it would, in my opinion, meet the ends of justice if they are sentenced each to undergo transportation for life under Section 109 of the Indian Penal Code read with Section 302 of the Code. This is the minimum sentence awardable under

Section 109 of the Indian Penal Code read with Section 302 of the Code

Now the question is what sentences should be awarded to Madanlal K Pahwa and Shankar Kistayya under Section 120-B of the Indian Penal Code read with Section 302 of the Code and under Section 115 of the Indian Penal Code read with Section 302 of the Code. It would, in my opinion, meet the ends of justice if they are sentenced each to undergo transportation for life under Section 120 B of the Indian Penal Code read with Section 302 of the Code. This is the minimum sentence awardable under Section 120-B of the Indian Penal Code read with Section 302 of the Code. There is nothing on the record of the case to show as to why a lenient view at all be taken in regard to the offence punishable under Section 115 of the Indian Penal Code read with Section 302 of the Code. Madanlal K Pahwa and Shankar Kistayya, in the circumstances, should be sentenced each to undergo seven years' rigorous imprisonment under Section 115 of the Indian Penal Code read with Section 302 of the Code

Shankar Kistayya is the servant of Digambar R. Badge. Whatever he did he did more or less in obedience to the orders of his master Digambar R. Badge. Unless it was for Digambar R. Badge he would never have been approached by the

other accused to join the conspiracy. Shankar Kistayya, in the circumstances, certainly deserves some leniency. I would accordingly recommend that his sentence for transportation for life under Section 120-B of the Indian Penal Code read with Section 302 of the Code may be commuted to seven years' rigorous imprisonment under Sections 401 and 402 of the Code of Criminal Procedure.

It would, in my opinion, meet the ends of justice if Nathuram V. Godse and Narayan D. Apte are sentenced each to undergo two years' rigorous imprisonment under Section 19(c) of the Indian Arms Act or in the alternative under Section 114 of the Indian Penal Code read with Section 19(c) of the Indian Arms Act, if Nathuram V. Godse is sentenced to undergo two years' rigorous imprisonment under Section 19(f) of the Indian Arms Act and if Narayan D. Apte and Vishnu R. Karkare are sentenced each to undergo two years' rigorous imprisonment under Section 114 of the Indian Penal Code read with Section 19(f) of the Indian Arms Act.

It would, in my opinion, meet the ends of justice if Nathuram V. Godse, Narayan D. Apte, Vishnu R. Karkare, Madanlal K. Pahwa, Shankar Kistayya and Gopal V. Godse are sentenced each to undergo three years' rigorous imprisonment under Section 5 of the Explosive Substances Act

or in the alternative under Section 5 of the Explosive Substances Act read with Section 6 of the Act five years' rigorous imprisonment under Section 4 b) of the Explosive Substances Act read with Section 6 of the Act, if Nathuram V. Godse, Narayan D Apte, Vishnu R Karkare, Shanker Kistayya, Gopal V. Godse are sentenced each to undergo seven years' rigorous imprisonment under Section 3 of the Explosive Substances Act read with Section 6 of the Act and if Madanlal K. Pahwa is sentenced to undergo ten years, rigorous imprisonment under Section 3 of the Explosive Substances Act

Finally the Special Judge remarked, "I may bring to the notice of the Central Government the slackness of the police in the investigation of the case during the period between 20-1-1948 and 30 1 1948. The Delhi Police had obtained a detailed statement from Madanlal K. Pahwa soon after his arrest on 20-1-1948. The Bombay Police had also been reported the statement of Dr J C. Jain that he had made to the Hon'ble Mr. Morarji Desai on 21 1-1948, the Delhi Police and the Bombay Police had contacted each other soon after these two statements had been made. Yet the police miserably failed to derive any advantage from these two statements. Had the slightest keenness been shown in the investigation of the case at the stage the tragedy probably could have been averted"

THE JUDGMENT IN APPEAL

A full bench of the East Punjab High Court, consisting of Mr. Justice Bhandari, Mr. Justice Achhtruram and Mr. Justice Khosla, in their judgment on June 21, 1948 in the appeal preferred by Nathuram Godse and six others in the Gandhi Murder Case unanimously allowed the appeals of Dr. Sadashiv Parchure of Gwalior and Shankar Kistayya, servant of the approver, Digambar Ramchandra Badge, and acquitted them of all the charges.

The appeals of the remaining convicts, Nathuram Vinayak Godse, Narayan Dattatraya Apte, Vishnu Ramchandra Karkare, Madanlal Kashmirilal Pahwa and Gopal Godse were rejected.

Their lordships, however, unanimously recommended that in the case of Gopal Godse, brother of Nathuram Vinayak Godse, the power of clemency which vested in the Crown should be exercised in his favour.

Mr. Justice Bhandari and Mr. Justice Khosla disagreed with the recommendation of Mr. Justice Achhtruram to commend the case of Madanlal to the Government for consideration and the desirability of committing the sentence of transportation for life passed on him.

Mr. Justice Bhandari, the Presiding Judge, with whom the other Judges concurred in the conclusions of his judgment, observed. "I am of the opinion that the prosecution have failed to

bring the charges home to Dr. Parachure beyond reasonable doubt. I would accept the appeal preferred by him, set aside the order of the learned Special Judge and direct that he be set at liberty ”

Discussing the case of Shankar, the Judge said “The case of Shankar is also open to doubt and suspicion, and I am clearly of the opinion that he was not a member of the conspiracy which was formed to take the life of Mahatma Gandhi. In addition to his conviction upon a conspiracy to murder, he was convicted for a contravention of the provisions of the Indian Arms Act and the Indian Explosives Act ”

“His employer, Badge, was dealing extensively in arms and explosives and it is probable that this prisoner has committed offences in connection with the two said acts. Unfortunately for the ends of justice no independent evidence has been produced in corroboration of the testimony of Badge that Shankar was, in fact, guilty of the said offences. I am accordingly of the opinion that although there is a very strong suspicion that he offended against the provisions of the appropriate enactments, no action can be taken against him. I would accordingly accept the appeal preferred by Shankar and acquit him of all the charges of which he has been convicted ”

Dealing with the other cases the Judge said “The cases against the remaining prisoners admit of no doubt whatever. Nathuram and Apte were

so highly dissatisfied with the policy which was being pursued by Mahatma Gandhi that they started a newspaper for counteracting the said policy. They staged peaceful demonstrations with the object of dissuading Mahatma Gandhi from pursuing a course of action which, according to them, was suicidal to the interests of this country. When they found that neither written nor verbal protests could influence Mahatma Gandhi to alter his life long policy, they decided to remove this apostle of non violence by violent methods. The murder was premeditated, cold-blooded and cruel, and the only punishment that could be awarded to these two prisoners for the commission of so heinous a crime is that of death."

"Karkare and Madanlal have also been found guilty under Section 120-B/302 of the Indian Penal Code and of certain other sections of certain other provisions of law and have been sentenced to transportation for life."

"Karkare was imbued with the same ideas as Nathuram and Apte, but the interest evinced by him in connection with this conspiracy was considerably less than that of his more experienced and more determined associates. They found a useful tool in the person of Madanlal and gave him an important part in the incident which was to take place at Birla House on January 20. He

lighted a gun cotton slab with the object of creating an explosion and if the other conspirators had played the parts assigned to them, Mahatma Gandhi's life would have been terminated on January 20 "

"He has taken an active, though a secondary, part in carrying out the nefarious designs of Nathuram, Apte and Karkare but the fact that he actually set light to the gun cotton slab shows that the enormity of the crime committed by him is no less than that of the crime committed by Karkare. He is a misguided young man of about 20 years of age, but he appears to have little or no regard for the sanctity of human life, and I can see no reason for commending his case to the Crown for the exercise of the power of clemency "

Referring to Gopal Godse, the Judge said. "I must confess, however, that the case of Gopal has caused me a certain amount of anxiety. He is a young man of about 27 years of age. He was occupying a humble but respectable position in a Government factory and could have had no political views of his own. He probably entertained a warm regard for his brother Nathuram and his brother's friends Apte, and I am inclined to think that he joined the conspiracy under the combined and powerful influence of these two men. The feelings of brotherly love and affection must have been supplemented by feelings of

gratitude when Nathuram assigned his insurance policy of a sum of Rs. 3,000 to his (Gopal's) wife."

"Gopal took little or no interest in procuring arms for the conspirators or in assisting them either on January 20 or 30. A raw and inexperienced youth as he is, he appears to have fallen a prey to the natural temptation of supporting his brother without realising the full implications of the positions taken up by him. It is true that he reached Delhi with a revolver which did not function properly and that he attended the conference at the Marina Hotel at which a hand-grenade was given to him, but he did not take either the revolver or the grenade with him to the scene of the outrage."

"He gave his revolver to Shankar and he left the grenade in the office of the Hindu Mahasabha. The facts and circumstances of the case make it quite clear that he did not enter into the conspiracy with zest or enthusiasm. He went to Birla House, but he appears to have been somewhat of a dazed spectator who had gone there because he considered it his duty to stand by his brother. He did not play any part at Birla House. I am strongly of the opinion that the power of clemency which vests in the Crown should be exercised in his favour."

As regards the confession of Dr. Sadashiv

Parachure, Mr. Justice Bhandari said that he was of the opinion that the confession was "induced by improper means and is not admissible in evidence against Dr. Parachure" It had not been corroborated in material particulars and ought not to be acted upon The statements of Kale and other witnesses from Gwalior were "perfectly valueless."

After going carefully through the arguments which had been advanced by the prosecution counsel he was in considerable doubt about the genuineness of the confession If the facts mentioned by Dr Parachure in his statement before the trial Court were true, it seemed to him that they were sufficient to have created the impression on his mind that he and the members of his family were likely to be harassed

Again if his statement was true, the police officers subjected him to the pressure of a procedure which was wholly unauthorised by the law of the land. "The length of the time for which Dr. Parachure was detained, the place in which he was kept and the manner in which he was interrogated," Mr Justice Bhandari said, "lead me to doubt the genuineness of the confession"

"Ordinarily," Mr Justice Bhandari added, "a statement made by a person against his own interest was admissible against him, but judicial experience made it quite clear that under certain

circumstances a person was likely to say that which was not true if he thought it to his advantage to do so ”

Mr Inamdar, Justice Bhandari stated, appeared to have given an adequate explanation for the delay which was occasioned in retracting the confession. Even if a confession was retracted, it was open to the court to come to the conclusion that the confession was true provided that it was corroborated in material particulars by credible independent evidence. “After going carefully through the arguments which have been addressed to us by the learned Counsel in the present case I am in considerable doubt as to the genuineness of the confession.”

“When the confession made by Dr. Parachure has been found to have been induced by threat or coercion and when the statement of Kale has been found to be false and fabricated, it is scarcely necessary to make a detailed examination of the statements of Khire, Ramdayal Singh and Jagannath Singh

Referring to the defence plea that there was no conspiracy to murder Mahatma Gandhi, Mr. Justice Bhandari observed “The Mass of evidence that has been produced in this case leaves no doubt in my mind that all the prisoners with the exception of Dr Parachure and Shankar had

entered into an agreement to take the life of Mahatma Gandhi."

The judge said "The evidence which has been produced in this case makes it quite clear that Nathuram, Apte, Karkare, Madanlal and Badge had a motive to eliminate Mahatma Gandhi, that Apte and Karkare made desperate efforts to obtain revolvers from Dadaji Maharaj, that Nathuram and Apte made similar efforts to obtain revolvers from Badge, Dixitji Maharaj and Gopal, that on January 13 Nathuram assigned big policies in the names of the wife of Apte and the wife of Gopal, that on or about January 10 Madanlal took Karkare to the house of Dr Jain and introduced Karkare as a 'seth' from Ahmadnagar and that on or about January 12 Madanlal told Dr Jain that he and others of his party had decided to assassinate Mahatma Gandhi."

"Badge testified to a number of statements which make it quite clear that the prisoners wanted to take the life of Mahatma Gandhi. On January 14 Apte met Badge on the road near the Hindu Mahasabha office and said that it was good that he had come and that arrangements would have to be made for keeping the "stuff". On January 15 Apte asked Badge if he was prepared to go with them to Delhi saying that Tatyarao Savarkar had decided that Mahatma Gandhi,

Pandit Nehru and Mr. Subhawardy should be finished and that he had entrusted the work to Nathuram and Apte."

Discussing remarks of the Special Judge, Mr. Atma Charan that "if the police had been more vigilant in the discharge of their duties the tragedy which overtook Mahatma Gandhi on January 30 may well have been averted," Mr. Justice Bhandari said, "Even on merits it seems to me that the remarks are not justified." On receipt of information from Dr. Jain, Mr. Morarji Desai, Home Minister of Bombay, "acted with commendable promptitude."

"The evidence on record satisfies me," he added, "that no opportunity was afforded to the police to explain the circumstances which prevented them from apprehending Nathuram before January 30 and thereby saving the life of Mahatma Gandhi, that Madanlal failed to supply the names of the conspirators to the police, that even if those names were supplied it was extremely difficult, if not possible, for the police to arrest Nathuram Godse who was going about from place to place under assumed names and who was determined to assassinate Mahatma Gandhi even at the risk of losing his own life."

Nathuram Godse and Apte had been known to each other for the last several years. They had been moving about together, both

before and after January 30 under assumed names. Similarly, the friendship between Karkare and Madanlal is an admitted fact Both of them were carrying on trade in Ahmednagar. On or about January 12 both of them were in Bombay paying a visit to Dr. Jain Both of them left Bombay for Delhi on January 15 travelling in the same compartment They reached Delhi on January 17 and occupied the same room in the same hotel They were together at the Marina Hotel on January 20 and later at the prayer grounds on the same day

The relationship of master and servant between Badge and Shankar cannot be denied. Shankar entered the service of Badge in 1946 and has been following him about from place to place Nor can there be any doubt in regard to the relationship between Nathuram and Gopal. Gopal is a younger brother of Nathuram.

Certain sums of money were paid by Nathuram and Apte to Badge which shows that they wanted him to join the conspiracy and accompany them to Delhi On January 14 Nathuram paid Rs 20 to Badge out of a joint fund belonging to himself and Apte and made an appropriate entry in his diary On January 15 Apte paid Rs 350 to Badge for defraying the expenses which were likely to be incurred by him in taking the journey from Bombay to Delhi

The allegation that Apte, Karkare, Madanlal and Badge were acting in concert is supported by the fact that on January 17 Nathuram, Apte, Badge and Shankar travelled by car from place to place with the object of collecting funds for the enterprise. They did not tell the contributors the purpose for which funds were required, but they could scarcely be expected to do so.

Another important circumstance which establishes the fact of the agreement to commit the murder of Mahatma Gandhi is that all the prisoners with the exception of Dr Parachure left Bombay for Delhi between January 17 and January 19. The prosecution alleged that they did so as they wanted to put themselves in possession of the opportunity of assassinating Mahatma Gandhi. They travelled in different batches. Karkare and Madanlal left Bombay by train on the night of January 15 and reached Delhi at about midday on January 17, they stayed in the Sharif Hotel. Nathuram and Apte left Bombay by air on the afternoon of January 17 and reached Delhi on the evening of the same day. They occupied a room in the Marina Hotel. Badge and Shankar left Bombay by train on the afternoon of January 18 and reached Delhi on the following day. They went to the Hindu Mahasabha office and spent the night of January 19 in that office. It is not known as to when Gopal left Kirkee for

Delhi or whether he went there by rail, road or air. It will be seen later that he was in Delhi on January 19 and 20.

It is significant that about all the prisoners in this case with the exception of Dr Parachure were anxious to conceal their identity. Karkare and Madanlal reached Delhi at about 12-30 p.m. on January 17 and proceeded straight to the Sharif Hotel.

It is said that when Nathuram and Apte travelled together from Delhi to Bombay on the afternoon of January 17, they travelled under the assumed names of S. Deshpande and N. Deshpande.

The presence of all the prisoners with the exception of Dr. Parachure in the Marina Hotel has also been established. It has also been proved that the prisoners left Marina Hotel for the Birla House in three separate batches, Karkare and Madanlal going in one batch, Apte, Badge and Gopal in another batch and Nathuram all by himself. All six of them namely, Karkare, Madanlal, Apte, Badge, Gopal and Nathuram were present at the Marina Hotel on the afternoon of January 20. Karakare, actually endeavoured to obtain admission for Badge into the room with the trellis window. Madanlal ignited the gun-cotton slab and was arrested at the spot with a live hand-grenade in his possession.

The mass of evidence that has been produced

in this case leaves no doubt that all the prisoners with the exception of Dr. Parachure and Shankar had entered into an agreement to take the life of Mahatma Gandhi.

DR. JAIN'S EVIDENCE

Several criticisms have been directed towards the evidence of Dr Jain. It is contented in the first place that as he was aware on or about January 12 that a serious offence was likely to be committed and as he omitted to transmit this information to the authorities without loss of time he must be regarded as an accomplice whose statement cannot be accepted without corroboration.

I regret I am unable to concur in this view. An accomplice is *prima facie* a person who is concerned in the commission of a crime and the burden of proving a person to be an accomplice is on the person who alleges him to be one, namely, the prisoner. That burden has not been discharged in the present case. Dr. Jain did not agree to the commission of the crime and he did not facilitate the commission of one. On the other hand, it seems to me that he strained every nerve to prevent it. As soon as he heard that Madanlal and the members of his party were entertaining designs on the life of Mahatma Gandhi he told Madanlal not to behave like a child. He told him that he was a refugee from

the Punjab, and he had gone through a terrible amount of suffering and that as a result of that suffering he was incapable of viewing things in a true prospective. He had a long talk with Madanlal and tried to dissuade him from what he said he was going to do. He warned him of the folly of pursuing a plan which was fraught with such dangerous consequences. He endeavoured to prevail upon him to halt upon the threshold of crime. Madanlal thanked Dr Jain for his advice and gave him to understand that if he did not listen to his advice he would be doomed. When Dr. Jain saw in the papers that a bomb had exploded in Birla House and that Madanlal has been arrested in connection with the explosion, the seriousness of the situation dawned upon him. He lost no time in communicating with the authorities and placing his services unreservedly at the disposal for bringing the offenders to book. That was not the conduct of a person who had concurred in the commission of the crime. I am clearly of the opinion that Dr. Jain is not an accomplice and his statement does not need to be corroborated.

The second criticism was that the evidence of Dr Jain cannot be accepted at its face value because he made a considerable delay in reporting the matter to the police or other appropriate authorities. The so-called extra-judicial confes-

sion was made to him on or about January 12, but he did not inform either the police or any higher authority till January 21, 1948, a day after the bomb had exploded at Delhi. It is true that a certain amount of delay was occasioned, but the facts and circumstances of the case make it quite clear that he had reasonable grounds for not rushing to make a report against Madanlal. In the first place Dr. Jain did not attach any importance to the statement made by Madanlal, (a) because Madanlal was given to a certain amount of bragging and (b) because a great deal of loose talk was going on in those days. Secondly, Angad Singh told Dr. Jain not to attach any importance to the statement. Thirdly, Madanlal himself told him on the following day that he had thought over the advice given to him, that he was under an obligation to Dr. Jain, that he regarded him as his father and that he has no intention of pursuing the plan. Fourthly, Madanlal saw Dr. Jain immediately before leaving for Delhi and did not mention anything about the designs on the life of Mahatma Gandhi. Fifthly, Dr. Jain had reason to believe that Madanlal was an honest and straight forward person and that when he had given the assurances that he had abandoned the plan he would be as good as his word and would not let down a person who had been of such great help to him in his hour of need. He and his friend Sood had taken a number of books

from Dr. Jain for purposes of sale. These books were sold by them but Sood failed to pay the money. Madanlal was distressed over the conduct of his friend and expressed his profound apology to Dr Jain in the letter which he addressed to him from Ahmednagar. Immediately on his arrival in Bombay he went to see Dr Jain and again apologised to him. He took Karkare along with him in the hope that the presence of Karkare would reassure Dr. Jain that his money was safe. A person who was so honest and straightforward in his dealings with Dr Jain and who was so deeply indebted to him could not be expected to let down his friend and benefactor. Dr. Jain was naturally reluctant to report Madanlal to the police. Indeed, Dr. Jain appeared to have believed that there was nothing in the plan which had been unfolded to him.

The third criticism was that the story narrated is intrinsically improbable. The prosecution allege that Madanlal went to Poona on January 9, to examine arms ammunition and it is accordingly argued that if it is true that he went there on the 9th and if it is true that he disclosed the entire plan to Dr. Jain on the 12th or 13th he could not have omitted to inform Dr. Jain of his visit to Poona. Madanlal made no such statement to Dr. Jain and it is accordingly contented that the story narrated by Dr. Jain cannot be accepted as

gospel truth. Dr. Jain was not cross-examined in regard to Madanlal's visit to Poona, but even if he had been cross-examined and if he said that Madanlal did not refer to the visit to Poona. I should have attached no importance to the omission. Madanlal had just started the story about the conspiracy when Dr. Jain interrupted him and asked him not to behave like a child. He did not allow Madanlal to finish the story. It is possible that if Madanlal had not been interrupted he would have given further details of the plan which he was about to execute. Again, it is argued that Madanlal could not have stated to Dr. Jain on January 12 or 13; that he had been entrusted with the task of igniting the gun-cotton slab when the part that each particular conspirator was to play was not assigned to him till the afternoon of January 20.

This argument does carry force, but is it beyond the realms of probability that certain tentative decisions (which were to be finalised after the inspection of the spot) were taken early in January? The prosecution allege that as early as January 10, Nathuram and Apte had already placed an order with Badge for the supply of two gun-cotton slabs and five hand grenades. This order could be placed if and only if Nathuram and Apte had evolved some sort of plan. It is by no means improbable that the conspirator had

vaguely planned that a gun-cotton slab should be exploded and that the explosion should be caused by Madanlal. Even if no specific part was assigned to Madanlal till January 20, he may well have thought in view of his exploit at Ahmednagar and particularly in view of the manner in which he had handled the Muslims of that town the important task of throwing the bomb would be entrusted to him

The fourth objection that has been taken on behalf of the defence appears to carry much greater force. It is said that Dr Jain has testified to at least two incidents before the trial Court which were not mentioned either to Mr. Angad Singh on January 13 or 14 or to Mr Morarji Desai on January 21 or to the Presidency Magistrate on January 26. He stated before the trial Court that when Madanlal saw him on or about January 12, he said that he had been entrusted with the work of throwing a bomb at the prayer-meeting of Gandhiji to create a confusion and that in the confusion so caused Gandhiji was to be overpowered by the members of his party. This is the statement attributed to Madanlal in the Court of the Special Judge. The statement attributed to Madanlal before Mr. Angad Singh, Mr Morarji Desai and the Presidency Magistrate was the bare statement that the party to which Madanlal belonged had plotted to do away with

a great leader and that that leader was Mahatma Gandhi. No mention was made of the fact that a bomb was to be thrown to create a confusion or that in the confusion so created Mahatma Gandhi was to be overpowered or that the task of throwing the bomb had been entrusted to Madanlal. Indeed no mention was made of the precise method in which the object which the conspirators had in view was to be achieved.

The second statement which is attributed to Madanlal is that he told Dr. Jain that his companions were staying at the Hindu Mahasabha office at Dader. No such statement was made either to Mr. Angad Singh or to Mr. Desai or to the Presidency Magistrate. Unfortunately neither Mr. Angad Singh nor Mr. Desai kept a record of the statement of Dr. Jain and may well have forgotten the details when they gave evidence in Court after the lapse of seven months ; but even so it seems highly improbable that if the statements which are attributed to Madanlal had been made by him these two witnesses could have forgotten them. The omission of the statements from the depositions of Dr. Jain under Section 164 Cr. P. C. can be readily understood Mr. Daphtary explains that such statements are not recorded by magistrates in the city of Bombay and that the magistrate who was called upon to record the statement of Dr. Jain was not conversant with the procedure

which is prevalent in the Punjab. He accordingly contented himself by preparing a memorandum of the statement made by Dr. Jain and scrupulously avoided the insertion of details. This explanation is fully supported by the statement Ext DII which Dr. Jain is said to have made. The statement is brief, sketchy and disjointed and contains nothing but most important facts. It does not give even the more important details such as that Madanlal had been collecting arms and ammunition which had been dumped in a jungle or that he had committed an assault on Rao Sahib Patwardhan or that Vir Savarkar had sent for him or that Dr. Jain had narrated the story to Angad Singh

Dr. Jain was in a very peculiar position owing partly to the courage and integrity of his own character. He had given every possible help and encouragement to Madanlal who had lost everything in Pakistan and Madanlal on the other hand entertained a very warm regard which almost verged on adoration for Dr. Jain. Impetuous, sentimental and boastful as he was, Madanlal happened to blurt out in a moment of weakness the secret which his companions were so anxious to preserve. This was done obviously in a spirit of bravado and possibly in the hope that his statement would be received with approbation by his patron and friend. The response was completely contrary of his expectations. Approbation

was replaced by reprobation and appreciation by condemnation. Madanlal hastened to retrace his step but the mischief has been done. The arrow had been shot and could not be recalled. What did Madanlal do in the circumstances ? He assured Dr. Jain that in view of the regard that he entertained for him he had decided to listen to his advice and to abandon the plan. Dr. Jain did not know whether to believe him or not. He was on the horns of dilemma and the prey of conflicting emotions. Could Madanlal have meant what he had said ? If so, the matter must be reported. Jain tried to speak to Jaiprakash Narayan but could not take courage to say anything more than that there might be a big conspiracy in Delhi. But Madanlal may not have meant what he said, or may have abandoned the plan, would it then be desirable to report the matter to the police, make a mountain of a molehill and expose the person whom he had always tried to help and befriend to the risk of an unnecessary prosecution ?

In this state of mind Dr. Jain allowed things to drift, not knowing what to do. When the bomb exploded in Delhi on 20, he realised the seriousness of the mistake committed by him. He realised that the information given by Madanlal was something more than the irresponsible prattle of a refugee. He rose to the occasion. He

shouldered the burden of the inevitable consequences and did his duty to the society. After the death of Mahatma Gandhi he came openly into the field and told Mr Desai that he was prepared to help the police regardless of the consequences to himself. He had no desire to conceal his name. He has no axe of his own to grind. He is not under the influence of the police. He had no reason to think that merely because he had been helping Madanlal he was in danger of being implicated in the crime. He has been a very staunch Congressman for he was detained in custody during the movement of 1942. I have read his statement over and over again and every time I read it the conviction grows in my mind that he is telling nothing but the truth. His statement is simple and clear, the incidents he relates are probable and consistent, the story he gives fits in the story narrated by Badge like a jigsaw puzzle.

CONCLUSION

After about a year the Mahatma Gandhi Murder Trial has come to a close. The court has proclaimed punishment for the accused, acquitting some of them.

During this period I have had lot of experiences some of which have been mentioned in the foregoing pages. But I have not yet been able to overcome the deep sense of sorrow and disappointment which I had felt after the assassination of Mahatma Gandhi. Even to this day, as I am writing these lines, I am overwhelmed by the thought as to why the Bombay Government and the Central Government could not save Gandhiji's life, although they were informed about the plot ten days in advance? Had the Government tried their best to prevent this calamity? There is no satisfactory reply to this question.

It is said that nothing could be done when Gandhiji himself was against searches and when he did not want any guard for his safety. But this is not convincing. In spite of his being against searches, could the Government have been negligent in their duty? Moreover, was everything that was preached by Gandhiji, practised by the Government and the Congress leaders? If Mahatma Gandhi was against police guard, C. I. D. police could have been very well posted as is being done

today for the safety of other leaders. Besides, some police and C. I. D. officers were present even at the prayer meeting of Mahatmaji when he was assassinated. After the bomb explosion on January 20, 1948, and after getting a detailed statement from Madanlal, and specially after receiving the information from the author on January 21, the number of guards could have been increased. Why was it not done? Why was this negligence shown in protecting the life of the Father of the Nation?

After the assassination of Mahatma Gandhi, when the author again contacted the ministers of the Government of Bombay, and drew their attention to their negligence, they tried to shut his mouth by threatening him. Is this called democracy? Is this civil liberty? Are these the principles of truth and non-violence? Are these the fruits of freedom? The people of India have every right to know why carelessness was shown in protecting the life of the Father of the Nation. They have every right to demand punishment for the guilty.

The second question which arises is even after such a big sacrifice what precautions have been taken by the Government to see that such occurrences are not repeated? Are the Government doing their best to fight these vested, reactionary forces which are responsible for this heinous

crime? Are they doing their best to destroy the virus of communalism in India? On the contrary, we see that the communal organisations such as the Hindu Mahasabha and the Rashtriya Swayamsevak Sangh are still active, and are dreaming of establishing a Hindu Raj in this country. They are allowed to carry on their activities for setting up a reactionary and fascist regime in the name of Hindu Raj. Similarly some left-wing congressmen and some other interested parties are busy making efforts to resolve the 'deadlock' between the R. S. S. and the Government of India.* It is being openly said that these congressmen are trying for a compromise so that communal, anti-national elements might assist them at the time of the forthcoming elections (See the Times of India, Bombay, 20-1-1949).

It may be noted that a memorandum has been submitted by four R. S. S. organisers to the Prime Minister, Pandit Nehru, on September 8, 1948. The memorandum reads: "Ours is the only way to meet the challenge of communism and it is the only ideology which can harmonise and integrate the interests of different groups and classes and thus successfully avoid any class war." Similarly Mr. Golwalkar, the Chief of the R. S. S. wrote to Sardar Patel, the Deputy Minister of India, as follows:—

* The Government ban on the R. S. S. has now been lifted

“If we both utilise the power of your Government and the cultural strength of our organisation, we will be able to get rid of this (communist) menace very soon.”

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In the Court I have had various experiences. The defence counsels tried to create a feeling of awe in me by putting all kinds of questions ‘Look here,’ ‘Listen.’ ‘Give a correct answer,’ ‘I want your answer in yes or no,’ and remarks such as these were constantly hurled on me. An attempt was made to prove that my evidence was false and was given under the pressure of police.

From the evidence of Dada Maharaj and his brother Dikshuji Maharaj, the religious heads of the Vaishnava sect, it was apparent that they were closely connected with the accused, but in spite of that both were provided with chairs in the court !

In Delhi I got an opportunity to study the police officers closely. They were all eager to prove their efficiency, but for that very reason their interest in the case was of a mechanical character. One could not help feeling that this arm of our administration was just a cog in the wheel of a soulless contraption.

A police officer once remarked, “What pains we have taken to unearth the conspiracy ! we have passed sleepless nights, yet there are very few people

like you who would like to give us their voluntary co-operation." I replied, "No doubt that the police had worked hard, but do you know why people are not co-operating with you? You always remain far from them and by using the same old methods of threats and coercion, you expect the co-operation of the public? Take my own case. I intended to assist the Government by giving them information about the conspiracy. But what did I get in return? Rebukes, scoldings and threats! Under such circumstances, do you think anybody would approach you?"

I was given accomodation in the Constitution House at Delhi. Here I got an opportunity to meet some of the members of the Constituent Assembly and some other high officials of the Government. But they seemed uninterested in the case. I got the impression that these big folks were not so much interested in the good of the country as in the private politics of their personal advancement. Their conversations were all in the direction of self-interest. Very few seemed serious about the important problems facing the country.

Rs. 1,500 per day were paid to the Chief Prosecution Counsel, Mr. Daphtary, excluding his travelling, food, lodging, and servant expenses. When Mr. Daphtary came to Bombay, Rs. 75 per hour were paid to him. Two other members of the Prosecution received salaries of Rs. 600 daily, each with similar other amenities.

In order to conduct the I. N. A. trial well-known leaders from all over India were invited. I was wondering why similar interest was not shown by our leaders in this case. Really speaking, the trial of the assassins of Mahatma Gandhi should have been the case of the Indian people against communalism and the anti-national forces which encouraged it. Why was it merely given a legal form in the shape of "the case against the murder of Mohandas Karamchand Gandhi, better known as Mahatma Gandhi?"

The moral we can draw from the sacrifice of Bapu is that our country should follow the path of secular democracy, and every one should be given his due rights. Communalism is sponsored by the capitalistic and feudalistic interests to continue and intensify their exploitation under the pretexts of religion and sect. From the events following August 1947, it has become clear that communalism is the confirmed enemy of India. Communalism is the robe in which fascist forces are strutting on the Indian scene. Under such circumstances, to think of establishing any relationship with the propagandists of the so-called Hindu Raj, or to give them any encouragement will be a great folly. By doing so we shall be running a great risk, and thereby handing over our country to the enemies.

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LAST WISH OF BAPU

He was free to confess that he would lose all interest in life if the Muslims who had produced men like late Hakim Saheb could not live with perfect safety in the Union. It was suggested to him that the Muslims were all fifth columnists in the Union. He declined to believe in that sweeping condemnation. 13-9-1947.

If it was true that the minorities, *i.e.* the Hindus and Sikhs were badly treated in Pakistan, it was equally true that the East Punjab had also treated its minority, the Muslims, likewise. Guilt cannot be weighed in golden scales. 17-9-1947.

Before I ever knew anything of politics in my early youth, I dreamt the dream of communal unity of the heart. I shall jump in the evening of my life, like a child, to feel that the dream has been realised in this life. 14-1-1948.

I would never be at peace with myself till Pakistan was just as safe for the Hindus and Sikhs, and the Pakistan sufferers could return to their homes with honour and dignity, and the Muslims to theirs in the Union. 18-1-1948

—Mahatma Gandhi

